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# ILLINOIS

## REGISTER RULES OF GOVERNMENTAL AGENCIES



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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 2001

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
Issue 6	January 29	February 9	Issue 33	August 6	August 17
Issue 7	February 5	February 16	Issue 34	August 13	August 24
Issue 8	February 13*	February 23	Issue 35	August 20	August 31
Issue 9	February 20*	March 2	Issue 36	August 27	September 7
Issue 10	February 26	March 9	Issue 37	September 4*	September 14
Issue 11	March 5	March 16	Issue 38	September 10	September 21
Issue 12	March 12	March 23	Issue 39	September 17	September 28
Issue 13	March 19	March 30	Issue 40	September 24	October 5
Issue 14	March 26	April 6	Issue 41	October 1	October 12
Issue 15	April 2	April 13	Issue 42	October 9*	October 19
Issue 16	April 9	April 20	Issue 43	October 15	October 26
Issue 17	April 16	April 27	Issue 44	October 22	November 2
Issue 18	April 23	May 4	Issue 45	October 29	November 9
Issue 19	April 30	May 11	Issue 46	November 5	November 16
Issue 20	May 7	May 18	Issue 47	November 13*	November 26**
Issue 21	May 14	May 25	Issue 48	November 19	November 30
Issue 22	May 21	June 1	Issue 49	November 26	December 7
Issue 23	May 29*	June 8	Issue 50	December 3	December 14
Issue 24	June 4	June 15	Issue 51	December 10	December 21
Issue 25	June 11	June 22	Issue 52	December 17	December 28
Issue 26	June 18	June 29	Issue 1	December 26 (Wed. Noon)	January 4, 2002
Issue 27	June 25	July 6			

\* Tuesday 12 noon deadline following a state holiday.

\*\* Monday publication date following a state holiday.



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Licensing Standards for Foster Family Homes

2) Code Citation: 89 Ill. Adm. Code 402

3) Section Numbers: Proposed Action:

402.2	Amend
402.4	Amend
402.5	Amend
402.6	Amend
402.8	Amend
402.11	Amend
402.12	Amend
402.13	Amend
402.14	Amend
402.16	Amend
402.17	Amend
402.21	Amend
402.25	Amend
402.26	Amend
402.29	New
402.30	Renumbered
APPENDIX A	Amend
APPENDIX C	Amend

4) Statutory Authority: Section 5.2 of the Child Care Act of 1969 [225 ILCS 10/5.2]

5) A. Complete Description of the Subjects and Issues Involved: For consistency with current practice, existing laws, best practice standards, and standards of the Council on Accreditation for Families and Children (COA), the Department is proposing amendments to Part 402 as follows:

- . adding definitions in Section 402.2 for: approved smoke detector, child care assistant, corporal punishment, discipline, licensed physician, licensing study, multi-purpose room, and universal precautions;
- . changing the definition in Section 402.2 of approved training to require pre-service PRIDE or equivalent training for all applicants-relatives and non-relatives-for foster home licensure. Non-relatives have always been expected to complete PRIDE training. The new language clarifies which training is pre-service and which is in-service. Surrogate parent training is deleted and Educational Advocacy training is added.

- . changing the definitions in Section 402.2 for: background check, licensing representative, and respite care;

- . adding language in Section 402.4(a) requiring application through a

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

private agency for all DCFS contractors and state employees who apply for foster home licensure;

- . changing Section 402.4 (c) to reflect the changes in background checks for children ages 13 to 17;

- . deleting the last part of Section 402.4(d)(2) that was a carryover from the day care home licensing rule and was here by mistake;

- . including marriage as a status change requiring a new license application in Section 402.4(d)3;

- . adding Section 402.5 (e) to the renewal Section to reflect current practice that requires the foster home to comply with the background check at time of renewal;

- . changing Section 402.8(d) to require that dangerous household supplies and tools are inaccessible to children;

- . adding Section 402.8(e) to require all drugs to be locked up and inaccessible to children;

- . adding Section 402.8(j) to bring Part 402 up-to-date with the Smoke Detector Act requiring all homes in Illinois to have smoke detectors;

- . changing Section 402.9(a) bringing 402 in compliance with Council On Accreditation standards requiring a separate bed for each child;

- . changing Section 402.9(d) to allow some flexibility for foster parents to accept infants and manage the sleeping arrangements more appropriately;

- . changing Section 402.9(e) to allow parenting foster children to share a bedroom with their own children;

- . adding a provision to Section 402.9(f) to give the supervising agency the ability to require that the foster parents sleep on the same level of the home as a child who has medical or behavioral issues that warrant additional close supervision;

- . deleting Section 402.11(b) and adding it to Section 402.12(b) for clarity;

- . changing Section 402.11(c) to require that employed foster parents maintain a copy of the supervising agency's written approval of their child care plan;

- . adding Section 402.12(b) requiring foster parents to notify the licensing staff if an individual will be moving into the home prior to the

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

move;

- expanding Section 402.12(k) to clarify the pre-service requirements for foster parents and require that certain other adult members of the household receive training;
- changing the in-service training requirements for license renewal to reflect current practice;
- deleting the part of Section 402.12(1) that references the years in the past;
- changing the request for information about criminal charges in Section 402.13(a) to a request for information about criminal convictions and added a request for information about the disposition of the convictions;
- adding Section 402.13(b) to bring 402 in compliance with Council On Accreditation standards requiring a check on the driving records of foster parents and others who transport foster children in their own vehicles;
- deleting and clarifying language in Section 402.14(b) and (c);
- changing Section 402.16(b) to consider developmental age in the supervision of foster children;
- adding Section 402.16(c) requiring that foster parents make every reasonable effort to allow the foster child to explore his or her creativity;
- clarifying in Section 402.17(a) that annual medical and dental checkups are only required for foster children;

• adding language to Section 402.17(e) requiring foster parents to follow the directions on the prescription medication when administering the medication;

• changing Section 402.21(a) consider developmental age in determining the appropriate form of discipline for foster children;

• clarifying in Section 402.25(a) that consent is to be obtained prior to the enumerated actions;

• deleting "daily" in Section 402.26(a)(4) to allow more flexibility in completing medication logs;

• adding Sections 402.26(a)(8-12) requiring foster parents to maintain records for the following: allowances and clothing expenditures, emergency evacuation plans and rehearsals, child care supervision plans,

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## NOTICE OF PROPOSED AMENDMENTS

overnight visit arrangements, and consent for out-of-state travel;

- requiring in Section 402.26(b) that foster parents maintain records of training attended to meet the in-service training requirements;
- amending Section 402.29, to allow the DCFS Director to waive any requirement in this Part, when in the best interest of the foster child;
- changing Appendix A by separating convictions that bar licensure into two groups according to the Child Care Act; and
- changing Appendix C, footnote 2, to provide for the increased capacity staffing to occur at the convenience of the foster parent.

6) Will these proposed rules replace an emergency rule currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff E. Osowski  
Department of Children and Family Services  
406 East Monroe, Station # 65  
Springfield, Illinois 62701-1498  
(217) 524-1983  
TTY: (217) 524-3715  
E-mail: Policy@dcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

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## NOTICE OF PROPOSED AMENDMENTS

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

## PART 402

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section	Purpose
402.1	Definitions
402.2	Effective Date of Standards (Repealed)
402.3	Application for License
402.4	Application for Renewal of License
402.5	Provisions Pertaining to Permits
402.6	Provisions Pertaining to the License
402.7	General Requirements for the Foster Home
402.8	Requirements for Sleeping Arrangements
402.9	Nutrition and Meals
402.10	Business and Employment of Foster Family
402.11	Qualifications of Foster Parents
402.12	Background Inquiry
402.13	Health of Foster Family
402.14	Number and Ages of Children Served
402.15	Meeting Basic Needs of Children
402.16	Health Care of Children
402.17	Religion
402.18	Recreation and Leisure Time
402.19	Education
402.20	Discipline of Children
402.21	Emergency Care of Children
402.22	Release of Children
402.23	Confidentiality of Information
402.24	Required Written Consents
402.25	Records to be Maintained
402.26	Licensing Supervision
402.27	Adoptive Homes
402.28	Director's Waivers
402.29	<del>Severability of This Part</del>
402.30	<del>Severability of This Part</del>

APPENDIX A Criminal Convictions That **Which** Prevent Licensure

APPENDIX B Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care

APPENDIX C Number and Ages of Children in Foster Family Home: Child Requires Specialized Care

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

**SOURCE:** Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 205, effective December 19, 1997; amended at 23 Ill. Reg. 7877, effective July 15, 1999; emergency amendment at 24 Ill. Reg. 6417, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 24 Ill. Reg. 17052, effective November 1, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**NOTE:** In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## Section 402.2 Definitions

"Adoptive placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or license exempt relative home for purposes of adoption and:

- be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or
- be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 3097 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

"Approved smoke detector" or "detector" means a smoke detector of the ionization of photoelectric type that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Smoke Detectors Act [425 ILCS 60/2])

"Approved training" means:

- Pre-service Training
- Foster PRIDE/Adopt PRIDE pre-service training or a

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## NOTICE OF PROPOSED AMENDMENTS

pre-service foster parent training curriculum approved by the Department, and Educational Advocacy training.

## In-service Training

- Foster PRIDE module or other Department approved training;
- foster parent conferences sponsored by the Department;
- other conferences approved by the Department;
- training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York, NY 10018;
- materials borrowed from the Department's Foster/Adoptive Parent Lending Libraries;
- Foster/Adopt-PRIDE-core-or-supplementary-training;
- foster-parent-conferences--sponsored--by-the-Department-or-statewide-foster-parent-organizations;
- training-provided-under-the-auspices--of--a--licensed--child-welfare--agency--when--the--agency's--foster-care-program-has-been--accredited--by--the--Council-on-Accreditation-of--Services-for--Families--and--Children--Inc--520-Eighth-Avenue--Suite-2202B--New-York--NY--10018;
- surrogate-parent--training--sponsored--or--approved--by--the-Illinois-State-Board-of-Education;
- training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification by--the-American-Red-Cross-or-the-American-Heart-Association; or
- other training approved in writing by the Child-Welfare-training-institute-of-the-Department-of-Children-and-Family-Services.

"Background check" means:

Individuals 18 years of age or older:

- a criminal history check via fingerprints that of-persons age-18-and-over-which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a BEADS-check-of-persons-ages-19-through-17; and

Individuals 13 years of age or older:

- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

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"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Illinois Department of Children and Family Services.

"Child" means any person under 18 years of age. [225 ILCS 10/2.01]

"Child care assistant" means an adult, 18 years of age or older, (whether a volunteer or an employee) who assists a licensed foster parent in the care of children within the foster home.

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home pursuant to Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

"Classifiable fingerprints" means fingerprints have been obtained through an electronic or ink printing process which were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Complete application for foster family home license" means a completed written application form; written authorization by the applicant and all adult members of the household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household. [225 ILCS 10/4]

"Corporal punishment" means "hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain". (National Health and Safety Performance Standards, Guidelines for Out-Of-Home Child Care Programs, American Public Health Association and American Academy of Pediatrics, 1992)

"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

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"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways. Discipline does not include the use of corporal punishment as defined in this Part.

"Educational advocacy training" means the 6-hour training that prepares foster parents to effectively advocate for the special educational needs of the children in their care by providing information on children's educational rights and foster parents' responsibility to protect those rights.

"Expanded capacity license" means the foster family home has been issued a license from the Department authorizing the foster family to accept more than six children for care (including the family's own children under age 18 and all other children under age 18 receiving full-time care) as permitted in Section 402.15(c) (for foster care placements) or 402.15(e) (for adoptive placements).

"Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated or related to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related or unrelated children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. [225 ILCS 10/2.17] The Department requires foster family homes to receive an expanded capacity license allowing them to receive more than six children, including their own children under age 18 and all other children under the age of 18 receiving full-time care.

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"In-service training" means approved training provided to currently licensed foster parents.

"IBADS" means the Law Enforcement Agencies-Data-System.

"License" means a document issued by the Department of Children and Family Services that which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.



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## NOTICE OF PROPOSED AMENDMENTS

"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"Licensed physician" means a person licensed to practice medicine in the State of Illinois or a contiguous state.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to perform licensing activities ~~examine facilities for license~~.

"Licensing study" means a written review and assessment of an application for license, on-site visits, interviews, and the collection and review of supporting documents, such as required pre-service training homework and evaluations of participation, to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely by fines as a petty offense. [625 ILCS 5/6-601]

"Multi-purpose room" means a room in the foster family home that has been designed for several purposes. A multi-purpose room that is temporarily converted into a bedroom may only be a pass through room in the home if the privacy of the children using the room for a bedroom can be ensured. Activities within the room shall be normal bedroom activities such as sleeping, dressing and playing while used as a bedroom.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a two month period to allow the individuals ~~individuals~~ to become eligible for an initial foster family home license.

"Petty offense" means any offense for which a sentence to a fine only is provided. [730 ILCS 5/5-1-17]

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Respite foster care" means temporary (not to exceed 30 days), full-time care in a licensed foster family home, group home, or child care institution, or in a license exempt relative home, when such temporary, full-time care is provided to foster children. ~~Respite foster care is provided to foster children in order to give the full-time caregivers a rest from caregiving responsibilities and to prevent placement disruption.~~

"Responsible" means trustworthy performance of expected duties which serves the best interests of the foster children as evidenced by established child welfare standards, State and federal law, and the rules of the Department.

"Specialized care" means care provided to a child who has developmental, emotional, behavioral, or medical needs and who has been determined to require specialized care. The need for specialized care shall be redetermined once every six months.

"Supervising agency," for the purpose of this part, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services.

"Universal precautions" means an approach to infection control. According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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**Section 402.4 Application for License**

a) Application for license as a foster family home shall be completed, signed by the foster parent applicants ~~applicant(s)~~, and filed with the Department of Children and Family Services by the supervising agency on forms prescribed by the Department. Applications submitted to the Department after July 1, 1995 shall be a complete application for a foster family home license, as defined in Section 402.2. Any relative who receives a child or children for placement on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of the Child Care Act of 1969 [225 ILCS 10/2.17].

b) When a contractor with the Department or an employee of the State of Illinois seeks to become licensed as a foster family home, the study to determine compliance with licensing standards shall be provided by a licensed child welfare agency other than the Department and by persons who have no significant working relationship or personal relationship with the contractor or State employee. If the license is granted, the contractor or State employee may continue his or her contract or employment while operating the foster family home. The contractor's or employee's foster family home shall be supervised, monitored, licensed and evaluated by a licensed child welfare agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The contractor or employee shall consult with appropriate contract monitors and/or supervisors to make sure his or her official duties do not involve any interaction with the licensed child welfare agency responsible for supervising, monitoring, licensing, or evaluating the foster family home of the contractor or employee.

c) As part of the application, each foster family home applicant and adult member of the household shall authorize background checks in accordance with 89 Ill. Adm. Code 3857 (Background Checks) and shall submit to fingerprinting to determine if the individual has ever been charged with a crime, and if so, the disposition of the charges. In addition, members of the household ages 13 through 17 must authorize a check of ~~BEABS--(which identifies criminal history only if tried and convicted as an adult)~~ CANTS and the Child Sex Offender Registry.

d) The supervising agency shall study each foster home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a qualified licensing representative and shall be reviewed and approved by the assigned supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards. The study shall be in writing and shall be signed by the licensing representative performing the study and by the assigned supervisor. When the application for a license is denied, the supervising agency shall advise the applicant in writing of the reasons for the denial.

e) A new application shall be filed when any of the following occurs:

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- 1) when an application for license has been withdrawn, and the licensee or agency seeks to reapply; or
  - 2) when there is a change in the name of the licensee, the address of the foster home, or the supervising agency, ~~or the area in the home used to children;~~ or
  - 3) when there is a change in the status of joint licensees, such as marriage, separation, divorce, or death; or
  - 4) not sooner than 12 months after the Department has revoked or refused to renew a license, and a new license is sought.
- f) A new application may be submitted at any time, including following the denial of an application for license, except that when a license has been revoked or the Department has refused to renew a license, the licensee may not reapply for licensure as a foster family home for a period of one year after revocation or refusal to renew.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.5 Application for Renewal of License**

a) Application forms for license renewal shall be mailed to foster parent licensees by the supervising agency three months prior to the expiration date of the license.

b) The completed, signed application for renewal of the license shall be received by the supervising agency no later than 30 days after the date the application forms for license renewal were mailed to the licensees.

c) Upon receipt of the application for license renewal, the supervising agency shall conduct a license study in order to determine that the foster home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the supervisor and signed by the worker performing the study.

d) ~~When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court.~~ (Section 10-65(b) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(b)])

e) As part of the renewal application, each foster family home applicant and adult member of the household shall authorize criminal background checks in accordance with 89 Ill. Adm. Code 385 (Background Checks) and shall submit to fingerprinting, if necessary, to determine if the individual has ever been charged with a crime and, if so, the disposition of the charges. In addition, members of the household ages 13 through 17 must authorize a CANTS check and a check of the Child Sex Offender Registry.

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(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.6 Provisions Pertaining to Permits**

a) A two month permit may be issued only with the personal written approval of the Director of the Department when:

1) The application for license has been completed and signed by the foster parent applicants ~~applicant(s)~~ and submitted to the Department;

2) The required background check forms have been completed in accordance with 89 Ill. Adm. Code 3857 (Background Checks), classifiable fingerprints, as defined in this Part, have been obtained, and Child Sex Offender Registry and CANTS ~~and HBABS~~ checks ~~check~~ have been completed that ~~which~~ find no history of child abuse or neglect or criminal activities for the foster home applicants;

3) A complete licensing study has been conducted by the licensing representative and it has been determined that the family is in reasonable compliance with all applicable standards except for receipt, review, and disposition of the criminal background check required by 89 Ill. Adm. Code 3857 (Background Checks);

4) Furnishing ~~furnishing~~, equipment and space sufficient for the children have been acquired; and

5) ~~The~~ the applicants have signed:

A) Affidavits indicating that they have not been convicted or charged with a crime other than a minor traffic violation;

B) acknowledgments that, by virtue of being a foster parent, they are mandated to report suspected child abuse or neglect;

C) acknowledgements that the permit is time limited and issuance of a license is contingent upon the results of the criminal background check;

D) acknowledgements that the permit may be cancelled and the Department will refuse to issue a license if the results of the criminal background check are unfavorable; and

E) acknowledgements that any children placed in their care will be removed without prior notice if information provided during the application process has been falsified or the applicants have a prior criminal history, other than for a minor traffic violation.

b) A permit shall not be issued retroactively.

c) Permits shall not be transferred to another person or other legal entity.

d) Permits shall not be valid for a name or address different from the name and address shown on the issued permit.

e) Permits shall not be renewable.

f) A current permit shall be available in the foster home at all times

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while the home is operating under a permit.

g) A license shall be issued at any time within the two month period covered by the permit provided that the foster family home achieves and maintains compliance with the Department's licensing standards.

h) The foster family shall adhere to the provisions or restrictions specified on the permit.

i) There shall be no fee or charge for the permit.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.8 General Requirements for the Foster Home**

a) The foster home shall be clean, well ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.

b) The foster home may not use or have on the premises, on or after July 1, 2000, any unsafe children's product as described in the Children's Product Safety Act and 89 Ill. Adm. Code 386 (Children's Product Safety).

c) The water supply of the foster family home shall comply with the requirements of the local and state health departments. If the foster family home accepts children under age ten or who are developmentally disabled, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit. If well water is used, a copy of the Inspection Report and Compliance with Regulations shall be on file with the supervising agency.

d) Portable space heaters may be used as a supplementary source of heat if they meet safety approval standards (Underwriters Laboratories) and are used in accordance with local and State building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.

e) ~~Dangerous~~ ~~prescription-and-nonprescription-drugs--dangerous~~ household supplies and dangerous tools shall be kept in a safe place inaccessible to children.

f) When not being dispensed, prescription and nonprescription drugs shall be locked up and kept in places inaccessible to children.

gf) Any and all firearms and ammunition shall be locked up at all times and kept in places inaccessible to children. No firearms possessed in violation of a State or federal law or a local government ordinance shall be present in the home at any time. Loaded guns shall not be kept in a foster home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures.

hg) The foster home shall comply with all requirements of the State ~~state~~ laws and municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.

ih) The foster home shall have an operating telephone on the premises

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unless the supervising agency has approved a written plan detailing the immediate and unrestricted access to such an instrument.

j) The foster home shall have fire and emergency evacuation plans that ~~which~~ are to be discussed and ~~repeatedly~~ rehearsed quarterly with the children.

k) The foster home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics. A smoke detector in operating condition shall be within 15 feet of rooms where children nap or sleep. ~~The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling. It shall be the responsibility of the owner of the structure to supply and install all required detectors.~~ The smoke detectors shall be permanently wired in the AC power line of any foster home that is constructed or undergoes substantial remodeling of its structure or wiring system after December 31, 1987, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors. For purposes of this subsection (k), "substantial remodeling" represents more than 15% of the replacement cost of the foster home. ~~Compliance with any applicable federal, State or local law, rule or building code that requires the installation and maintenance of smoke detectors in a manner different from this subsection, but providing a level of safety for occupants that is equal to or greater than that provided by this subsection, shall be deemed to be compliance with this subsection and the requirements of the more stringent law shall govern over the requirements of this subsection.~~ (Section 3 of the Smoke Detector Act [425 ILCS 60/31])

l) Adequate closet and dresser space comparable to that provided to the other children of the household shall be provided for each foster child to accommodate personal belongings.

m) Foster parents shall respect children's rights to privacy while sleeping, bathing, toileting, and dressing.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 402.9 Requirements for Sleeping Arrangements

- a) Each foster child shall be provided his own separate bed or crib. Children who have been sharing a bed in compliance with previous versions of this subsection shall be provided his or her own separate bed or crib within six months after the effective date of this amendatory rulemaking of 2001. ~~7-except-that-two-children-up-to-age-10 of--the--same-sex-with-no-more-than-two-years-difference-in-their-ages may-share-a-double-sized-for-target-bed-~~
- b) If children placed in foster care exhibit sexually abusive aggressive behavior, sleeping arrangements for the sexually abusive aggressive

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child shall comply with the requirements of a safety plan approved by the Department.

c) Children under six years of age may share a bedroom with related children of the opposite sex who are also under age six if each child is provided with a separate bed or crib.

d) Unrelated children under two years of age may share a bedroom with children of the opposite sex who are also under the age of two if each child is provided with a separate bed or crib.

e) A foster child may share a bedroom with his or her own children of either sex if each child is provided with a separate bed or crib.

fd) A foster child shall not share the bedroom with an adult except under emergency conditions for a brief period of time, when a child is ill, needs frequent attention or as allowed in Section 402.9(g)(f)-below. The supervising agency can require that a foster parent occupy sleeping quarters on the same level of the home as a child who has medical or behavioral issues that warrant close supervision. This requirement shall be written into the child's CPS 497, Service Plan, Part IIB.

ge) When adulthood (age 18) is reached by a foster, biological or adopted child for whom sharing the bedroom with a foster child under eighteen years of age has been determined to be in the best interests of the foster child, the supervising agency shall approve such arrangements in accordance with the provisions of this Section.

hf) The supervising agency may approve the use of a multi-purpose room for use as a bedroom in order to enable children of common parentage to be placed together or when it enables a placement that ~~which~~ is otherwise in the best interests of the children ~~childrent~~. Such approvals shall be in writing and shall contain the names ~~name(s)~~ and birth dates ~~date(s)~~ of the children for whom the approval was issued. These approvals shall be reviewed and reapproved at each license renewal.

ig) There shall be a minimum of 40 square feet, excluding the closet and wardrobe area, for the first child occupying a bedroom and a minimum of 35 square feet for each additional child sharing the room. However, the supervising agency may approve a smaller room size on an individual case basis when such approval is in the best interests of the children. Such approvals shall be in writing and shall contain the names and birth dates of the children for whom the approval was issued. These approvals shall be reviewed at each license renewal.

jh) The room shall be exposed to an outside window or shall have auxiliary means of ventilation.

ki) The springs and mattresses on each bed requiring such shall be level, clean, unsoiled with no rips, tears or sags in the mattress or mattress cover, and not infested with insects. The bedding shall be suitable for the season.

lj) Linens shall be changed at least weekly for all children and as frequently as needed for children not toilet trained and for those who are enuretic.

mk) Waterproof mattress covers shall be provided for all beds or cribs for



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enuretic children.

~~ni~~) Sleeping rooms shall be comfortable and shall be furnished suitably for the age and sex of the child.

~~om~~) Basements and Attics

1) Basements and attics may be used for sleeping for children who are mobile, capable of self preservation, and able to understand and follow directions with minimal assistance in an emergency.

2) Children for whom basement or attic sleeping arrangements may be provided shall be individually evaluated and approved by the supervising agency in accordance with the above cited requirements.

3) To be used for sleeping, basements and attics shall have two exits with one exit leading directly to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window that ~~which~~ provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas.

4) No basement or attic shall be used for sleeping without the approval of the supervising agency after consultation with the appropriate safety ~~authorities~~ ~~authority~~.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 402.11 Business and Employment of Foster Parents

a) The operation of a commercial rooming or boarding house on the premises is not permitted.

~~b) An unrelated individual may be allowed to share the living arrangements, regardless of whether the foster family profits from the arrangement, only at the discretion of the supervising agency.~~

~~be~~) The operation of other business enterprises on the premises is permitted but shall not interfere with the care of the child or endanger the health, safety and welfare of the child. The supervising agency must know and approve of any business operation.

~~cd~~) Employment outside of the home is permitted but shall not interfere with the proper care of the foster child. When foster parents are employed outside the home, provision shall be made for adequate supervision of the children ~~child~~. The provision for supervision of the foster children ~~child~~ shall be approved in writing by the supervising agency prior to placement of children ~~child~~ in the home or at the time of employment. A copy of the approval shall be maintained in the supervising agency's licensing file and shall be sent to the foster parent.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 402.12 Qualifications of Foster Family

a) The licensees ~~licensee~~ shall be either a single person or a man and woman married to each other. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children received for care.

b) An individual may be allowed to share the living arrangements only at the discretion of the supervising agency. The foster family is responsible for reporting to the supervising agency that an individual may be sharing the living arrangements prior to the individual moving into the home or prior to licensure. The individual will be subject to the same requirements as other members of the household, such as health certification, background checks as required in 89 Ill. Adm. Code 385 (Background Checks), and references. The license capacity will be redetermined based on the new family composition.

~~cb~~) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age.

~~de~~) The capability of the foster parents to provide care shall be considered prior to licensure of the foster family home. A decision to establish the age and number of children permitted in the home shall be based on an assessment of the foster family and shall consider at least the following:

- 1) the foster parents' capability to provide care including an evaluation of the caregivers' health, strength, and mobility;
- 2) the number, chronological and functional age, and characteristics and needs of the children currently under the care of the foster parents. This shall include an assessment of the foster parent's own children under age 18, all other children under age 18 receiving full-time care, and children receiving day care services in the foster family home;
- 3) the characteristics, limitations, and responsibilities of the caregivers. All members of the foster family shall be free from active alcohol or substance dependency;
- 4) the caregivers' ability to appropriately care for and adequately supervise the children currently in the home, as well as their ability to care for and supervise the ages, needs, and behaviors of the children who may be placed in the foster family home; and
- 5) the number of foster parents in the home and the availability and experience of child care assistants.

~~ed~~) All members of the household age 13 and older (except for foster children) shall have passed the background check required by 89 Ill. Adm. Code 385, (Background Checks).

~~fe~~) Foster parents shall accept agency supervision.

~~gf~~) Foster parents shall adequately supervise children in their care to assure compliance with laws including, but not limited to, criminal laws.

~~hg~~) Foster home applicants shall provide the names and addresses of at least three persons who are not related to them who can attest that

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the applicants are of reputable and responsible moral character.

i) Unless parental rights have been terminated, foster parents shall respect and support a child's ties to his or her biological family and shall cooperate with the supervising agency and the service plan for the child and his/her family.

ii) The foster family shall have sufficient financial resources to provide basic necessities for themselves and their own children.

k) Foster parents ~~Each--foster-parent~~ shall complete, as a condition of initial licensure, ~~at-least-six-clock-hours-of--approved~~ pre-service training:

1) Each foster parent shall participate in and complete Foster PRIDE/Adopt PRIDE or an equivalent pre-service foster parent training that has been approved by the Department.

2) Each single foster parent and at least one foster parent in a married couple shall complete educational advocacy pre-service training by the Department or approved agency.

l) In addition, each foster parent shall complete, as a condition of license renewal, 16 clock hours of approved in-service training. ~~shall complete--as-a-condition-of--license--renewal--approved--in-service training--in--accordance--with--the--schedule--below~~ Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.

#### License-Renewal-Due-in-Year: Clock-Hours-of-Approved-Training-Required:

1990	4-0
1999	8-0
2000	12-0
2001-or-thereafter	16-0

m) An expanded capacity license to allow foster homes to serve more than six children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) may be granted if the foster family home meets the requirements of Section 402.15(c). As a provision of retaining the expanded capacity license, foster parents shall complete a total of 9.0 clock hours of approved training each calendar year, beginning the calendar year the expanded capacity license is issued.

nn) A statement that describes how the foster family and the foster family's home comply with the requirements of this Part shall be placed in the permanent foster home record. If the foster family home is not in compliance with any of the licensing standards, these standards shall be specifically recorded and the plan for achieving compliance shall be outlined. The plan for achieving compliance shall indicate whether foster children can remain in the foster home and whether new placements may be made in the foster home while the foster home is achieving compliance with the licensing standards. The

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statement shall be updated to reflect any changes in the status of the foster family or the foster home. All such updates shall be entered within five working days after the change in status.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 402.13 Background Inquiry

a) As a condition of issuance or renewal of a license by the Department, foster parents shall furnish information of:

1) any offenses (other than minor traffic violations) for which they have been convicted; and

2) the disposition of the convictions charged.  
The Department shall make a determination concerning the their suitability of the foster parents in working with the child in accordance with this Part and 89 Ill. Adm. Code 385; (Background Checks).

b) All members of the foster family who transport foster children shall submit to annual verification of their driver's license, automobile liability insurance, and driving records.

c) Persons who have been convicted of an offense shall not be automatically rejected as foster parents unless the offense is one of those listed in Part 402.Appendix A. Otherwise the Department shall consider the following:

1) the type of crime for which the individual was convicted;  
2) the number of crimes for which the individual was convicted;  
3) the nature of the offenses ~~offenses~~;  
4) the age of the individual at the time of conviction;  
5) the length of time that has elapsed since the last conviction;  
6) the relationship of the crime and the capacity to care for children;  
7) evidence of rehabilitation; and  
8) opinions of community members concerning the individual in question.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 402.14 Health of Foster Family

a) Foster parents and all members of the household shall provide medical evidence that they are free of communicable diseases or physical and mental conditions that which affect the ability of the family to provide care.

b) Before licensing, the foster parents shall furnish the supervising agency with a medical report on forms provided by the agency for each member of the household. A medical report shall be obtained for the

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foster parents, their children, other persons residing in the foster home, and child care assistants ~~other persons~~ ~~regularly assisting in child care~~. The medical reports shall not be more than one year old. Copies of medical examinations of school age children who are members of the household that ~~which~~ were completed in accordance with the requirements of the Illinois School Code [105 ILCS 5/27-8.1] (~~111-Rev--Stat--1981-CH--127-par--27-8-1~~) are acceptable provided copies of the medical examinations are on file with the supervising agency. If there is a question regarding the mental or emotional health of the foster parent applicant or other adult members of the household, clinical reports and evaluations may be required by the supervising agency.

- c) If there is a question regarding the mental or emotional health of the foster parent applicant or other adult members of the household, clinical reports and evaluations may be required by the supervising agency.
- d) Medical re-examinations of the foster parents and other members of the household shall be required at least once every four years. Copies of medical re-examinations of school age children who are members of the household that ~~which~~ were completed in accordance with the requirements of the Illinois School Code [105 ILCS 5/27-8.1] (~~111-Rev--Stat--1981-CH--127-par--27-8-1~~) are deemed to be in compliance with this requirement provided copies of the re-examinations are on file with the supervising agency. A medical re-examination of foster parents and other members of the household shall be required at an earlier date when, through personal observation of, or notification from the foster family, it becomes evident to the supervising agency or the physician has reason to believe that the foster parents or a member of the household has a communicable disease or other physical impairment.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 402.16 Meeting Basic Needs of Children

- a) All children in the foster family shall be treated equitably.
- b) Children shall receive supervision appropriate to their developmental age at all times. All children in the foster home shall be protected from exploitation, neglect, and abuse. Suspected child abuse or neglect shall be reported to the supervising agency and to the Department immediately.
- c) Foster parents shall provide the child with ongoing opportunities to explore a wide variety of interest areas to expand his or her knowledge of learning possibilities that may lead to the child's systematic and lifelong involvement in one or more interest areas.
- d) Each child shall be given the opportunity to develop social relationships through participation in schools, and other community and group activities. Each child shall have the opportunity to invite friends to the foster home and to visit in the home of friends.
- e) Care shall be exercised in giving permission for the foster child to visit overnight with friends or relatives of the child or foster

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parents ~~parents~~. Extended trips away from the foster home must be approved by the foster child's parent or guardian.

f) Personal allowance money shall be available to the children based upon the child's age and ability to manage the money. Adolescents may be allowed to earn additional spending money.

- g) Foster parents shall assist the child in the proper handling of money.
- h) Each child shall have the opportunity to learn to assume some responsibility for himself and for household duties in accordance with his age, health, and ability. No child shall be permitted to do tasks which are hazardous, dangerous or risk harm to the child.
- i) The supervising agency shall immediately be notified of any situation that affects the care of the child, including but not limited to death, serious illness, incarceration, death of a child or any other significant occurrence.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 402.17 Health Care of Children

- a) Each foster child shall have a medical and dental checkup once a year or upon medical or dental recommendation.
- b) In case of sickness or accident, immediate medical care shall be secured for the child in accordance with the supervising agency's directions.
- c) Immunizations and tests, unless exempt on religious grounds, shall be administered as required by the Department of Public Health regulations, or as recommended by a physician.
- d) Foster parents shall keep the supervising agency informed of any of the child's health concerns ~~problems~~, including alcoholism and drug abuse.
- e) Prescription ~~no-prescription~~ drugs or prescription medicines shall ~~not~~ be given to a foster child without a physician's prescription or authorization. Prescription medication administered by the foster parent shall follow the directions of the physician and all medication administered by the foster parent shall be documented on the required medical log.
- f) Foster parents shall thoroughly acquaint anyone caring for the foster child in their absence with the foregoing health requirements.
- g) Any child who is suspected of having a serious contagious disease shall be separated from other children until a medical determination has been received that the disease is not contagious or is no longer contagious, or a plan for appropriate care and protection of other household members has been approved by the supervising agency after consultation with a licensed physician.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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**Section 402.21 Discipline of Children**

- a) Discipline shall be appropriate to the developmental age of the child, related to the child's act, and shall not be out of proportion to the particular inappropriate behavior. Discipline shall be handled without prolonged delay.
- b) The foster parent shall be responsible for the discipline of the child. Discipline shall never be delegated to a child's peer or peers, nor to persons who are strangers to the child.
- c) No child shall be subjected to corporal punishment, verbal abuse, threats or derogatory remarks about him or his family.
- d) No child shall be deprived of a meal or part of a meal as punishment.
- e) No child shall be deprived of visits with family or other persons who have established a parenting bond with him.
- f) No child shall be deprived of clothing or sleep as punishment.
- g) A child may be restricted to an unlocked bedroom for a reasonable period of time. While restricted, the child shall have full access to sanitary facilities.
- h) A child may be temporarily restrained by a person physically holding the child if the child poses a danger to himself or to others.
- i) The personal spending money of a child may be used as a constructive disciplinary measure to teach the child about responsibility and the consequences of his behavior. However, no more than 50% of the child's monthly personal spending money shall be withheld for any reason.
- 1) Withholding a child's monthly personal spending money shall occur only under the following circumstances:
- A) for reasonable restitution for damages done by the child; or
- B) for breaking the family's rules if the child has been given an oral warning that his spending money will be reduced for this infraction.
- 2) When a child's spending money has been reduced because he has broken a rule, the foster parent shall keep the withheld money for the child and shall not use it for any reason. The foster parent shall give the child opportunities to earn the money back and shall explain to the child how the spending money can be restored.
- j) Special or additional chores may be assigned as a disciplinary measure.
- k) Privileges may be temporarily removed as a disciplinary measure.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.25 Required Written Consents**

- a) The supervising agency shall ensure that prior written consents from legally responsible persons (parent, court, or other legal custodian

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or guardian) are obtained for certain acts of a child or performance of certain acts on his behalf, including but not limited to:

- 1) health care and treatment, including medical, surgical, psychiatric, psychological, and dental;
  - 2) use of psychoactive drugs;
  - 3) religious instruction and/or church attendance in a different faith;
  - 4) work programs, induction into the armed services, driving a car and car ownership;
  - 5) extensive visits, trips, or excursions;
  - 6) use of photographs for publicity or other purposes; and
  - 7) consent to marriage for child under age of 18.
- b) Written consents shall be dated and limited to a specific period of time.
- c) Any written or verbal consent or authorization given by the individuals referenced in subsection paragraph (a) above or by others that which conflicts with any of the requirements of this Part 402, is not valid.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.26 Records to be Maintained**

- a) Records to be maintained by the foster family shall include:
- 1) the name and date of birth of the child, the legal guardian of the child, religion of the child, and arrangements for education of the child;
  - 2) a record of immunizations the child has received; any physical problems, limitations, or allergies the child has; any current recommendations for special medical care;
  - 3) the name, address, and telephone number of the child's physician, guardian, and supervising agency;
  - 4) a daily log of medication prescribed and given;
  - 5) the names, addresses, and telephone numbers of persons to contact in case of emergency;
  - 6) the names name(s) and persons person(s) to whom the child may be released; and
  - 7) a record of waivers waiver(s) for immunizations, medical examinations, and treatment;
  - 8) a record and/or receipts for distribution of allowance and clothing funds;
  - 9) a record of the emergency evacuation plan and quarterly rehearsals;
  - 10) a record of the child care supervision plan, when required under Section 402.11(c);
  - 11) a copy of the CFS-592, Overnight Visit Arrangements that shall be kept for the duration of the visit;

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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12) a copy of any CFS-432, Guardian's Consent for Out-of-State Travel, or Extended Trips.

b) The foster family shall maintain records to verify attendance at required pre-service and in-service trainings.

cb) Records maintained by the foster family shall be kept current and shall be open to inspection by the supervising agency. All persons who have access to the foster family's records shall respect their confidential nature.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.29 Director's Waivers Severability-of-This-Part**

Unless prohibited by law, the Director of the Department may waive, or may conditionally waive, any requirement under this Part, if doing so is in the best interest of the foster children. Waivers from the Director shall be in writing.

(Source: Old Section 402.29 renumbered to Section 402.30 and new Section 402.29 adopted at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.30 Severability of This Part**

If any court of competent jurisdiction finds that any rules, clause, phrase, or provision of this Part part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part part.

(Source: Renumbered from Section 402.29 at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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**Section 402.APPENDIX A Criminal Convictions That Which Prevent Licensure**

If the foster parent applicants applicant(s) or any adult member of the household has been declared a sexually dangerous person under the Sexually Dangerous Persons Act [725 ILCS 205], or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5], the ~~Illinois-Contro~~Illinois-Contro~~l-Act-(720-1568-650)7~~and-the-Illinois-Controlled-Substances-Act-(720-1568-540)7 or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a foster home license or permit.

## OFFENSES DIRECTED AGAINST THE PERSON

## HOMICIDE

## Murder

Solicitation of murder

Solicitation of murder for hire

Intentional homicide of an unborn child

Voluntary manslaughter of an unborn child

Involuntary manslaughter

Reckless homicide

Concealment of a homicidal death

Involuntary manslaughter of an unborn child

Reckless homicide of an unborn child

Drug induced homicide

## KIDNAPPING AND RELATED OFFENSES

## Kidnapping

Aggravated kidnapping

~~Unlawful-restraint~~

Aggravated unlawful restraint

Forcible detention

Child abduction

Aiding and abetting child abduction

Harboring a runaway

## SEX OFFENSES

Indecent solicitation of a child

Indecent solicitation of an adult

Public indecency

Sexual exploitation of a child

Custodial sexual assault

Sexual relations within families

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Prostitution  
 Soliciting for a prostitute  
 Soliciting for a juvenile prostitute  
 Solicitation of a sexual act  
 Pandering  
 Keeping a place of prostitution  
 Keeping a place of juvenile prostitution  
 Patronizing a prostitute  
 Patronizing a juvenile prostitute  
 Pimping  
 Juvenile pimping  
 Exploitation of a child  
 Obscenity  
 Child pornography  
 Harmful material  
 Tie in sales of obscene publication to distributors  
Posting of identifying information on a pornographic Internet site

## BODILY HARM

**Petony-aggravated-assault**  
**Vehicle-endangerment**  
**Petony-domestic-battery**  
**Aggravated-battery**  
**Heinous-battery**  
**Aggravated-battery-with-a-firearm**  
 Aggravated battery of a child  
 Aggravated-battery-of-an-unborn-child  
 Tampering with food, drugs, or cosmetics  
**Aggravated-battery-of-a-senior-citizen**  
 Drug induced infliction of great bodily harm  
**Intimidation**  
**Compelling-organization-membership-of-persons**  
 Hate crime  
 Stalking  
 Aggravated stalking  
 Threatening public officials  
 Home invasion  
 Vehicular invasion  
 Criminal sexual assault  
 Aggravated criminal sexual assault  
 Predatory criminal sexual assault of a child  
 Criminal sexual abuse  
 Criminal sexual abuse  
 Aggravated sexual abuse  
 Criminal transmission of HIV  
**Abuse-and-gross-neglect-of-a-long-term-care-facility-resident**  
 Criminal neglect of an elderly or disabled person  
 Child abandonment

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Endangering the life or health of a child  
**Petony-violation-of-an-order-of-protection**  
 Ritual mutilation  
 Ritualized abuse of a child

**OFFENSES-DIRECTED-AGAINST-PROPERTY**

**Petony-theft**  
 Robbery  
 Armed-robbery  
 Aggravated-robbery  
 Vehicular-hijacking  
 Aggravated-vehicular-hijacking  
 Burglary  
 Possession-of-burglary-tools  
 Residential-burglary  
 Criminal-fortification-of-a-residence-or-building  
 Arson  
 Aggravated-arson  
 Possession-of-explosives-or-explosive-incendiary-devices

**OFFENSES-APPROPRIATE-PUBLIC-HEALTH,-SAFETY-AND-BEENEX**

**Petony-unlawful-use-of-weapons**  
 Aggravated-discharge-of-a-firearm  
 Reckless-discharge-of-a-firearm  
 Unlawful-use-of-metal-piercing-bullets  
 Unlawful-sale-or-delivery-of-firearms-on-the-premises-of-any school  
 Disarming-a-police-officer  
 Obstructing-justice  
 Concealing-or-aiding-a-fugitive  
 Armed-violence  
 Petony-contributing-to-the-criminal-delinquency-of-a-juvenile

**DRUG-OFFENSES**

Possession-of-more-than-thirty-grams-of-cannabis  
 Manufacture-of-more-than-10-grams-of-cannabis  
 Cannabis-trafficking  
 Delivery-of-cannabis-on-school-grounds  
 Unauthorized-production-of-more-than-five-cannabis-sativa-plants  
 Calculated-criminal-cannabis-conspiracy  
 Unauthorized-manufacture-or-delivery-of-controlled-substances  
 Controlled-substance-trafficking  
 Manufacturer-distribution-advertisement-of-look-alike-substances  
 Calculated-criminal-drug-conspiracy  
 Permitting-unlawful-use-of-a-building



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Delivery-of-controlled,-counterfeit-or-loot-atlike-substances-to persons-under-age-18,-or-at-truck-stops,-rest-stops,-safety-rest areas,-or-on-school-property  
Using,-engaging,-or-employing-persons-under-18-to-deliver controlled,-counterfeit-or-loot-atlike-substances  
Delivery-of-controlled-substances  
Sale-or-delivery-of-drug-paraphernalia  
Felony-possession,-sale,-or-exchange-of-instruments-adapted-for-use of-controlled-substance-or-cannabis-by-subcutaneous-injection

If the foster parent applicants or any adult member of the household has been convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5/1, Cannabis Control Act [720 ILCS 550] or the Illinois Controlled Substances Act [720 ILCS 570], or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a foster home license or permit, unless all of the following requirements are met:

1. The relevant criminal offense or offenses occurred more than 10 years prior to the date of application or renewal.
2. The applicant had previously disclosed the conviction or convictions to the Department for the purposes of a background check.
3. After the disclosure, the Department either placed a child in the home or the foster family home license was issued.
4. During the background check, the Department had assessed and waived the conviction in compliance with the existing statutes and rules in effect at the time of the waiver.
5. The applicant meets all other requirements and qualifications to be licensed as a foster family home under the Child Care Act and the Department's administrative rules.
6. The applicant has a history of providing a safe, stable home environment and appears able to continue to provide a safe, stable home environment. (Section 4.2 of the Child Care Act)

OFFENSES DIRECTED AGAINST THE PERSONKIDNAPPING AND RELATED OFFENSESUnlawful restraintBODILY HARM

Felony aggravated assault  
Vehicular endangerment  
Felony domestic battery  
Aggravated battery

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Heinous battery  
Aggravated battery with a firearm  
Aggravated battery of an unborn child  
Aggravated battery of a senior citizen  
Intimidation  
Compelling organization membership of persons  
Abuse and gross neglect of a long term care facility resident  
Felony violation of an order of protection

OFFENSES DIRECTED AGAINST PROPERTY

Felony theft  
Robbery  
Armed robbery  
Aggravated robbery  
Vehicular hijacking  
Aggravated vehicular hijacking  
Burglary  
Possession of burglary tools  
Residential burglary  
Criminal fortification of a residence or building  
Arson  
Aggravated arson  
Possession of explosive or explosive incendiary devices

OFFENSES AFFECTING PUBLIC HEALTH, SAFETY AND DECENCY

Felony unlawful use of weapons  
Aggravated discharge of a firearm  
Reckless discharge of a firearm  
Unlawful use of metal piercing bullets  
Unlawful sale or delivery of firearms on the premises of any school  
Disarming a police officer  
Obstructing justice  
Concealing or aiding a fugitive  
Armed violence  
Felony contributing to the criminal delinquency of a juvenile

DRUG OFFENSES

Possession of more than thirty grams of cannabis  
Manufacture of more than 10 grams of cannabis  
Cannabis trafficking  
Delivery of cannabis on school grounds  
Unauthorized production of more than five cannabis sativae plants  
Calculated criminal cannabis conspiracy  
Unauthorized manufacture or delivery of controlled substances

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Controlled substance trafficking  
Manufacture, distribution, advertisement of look-alike substances  
Calculated criminal drug conspiracy  
Street gang criminal drug conspiracy  
Permitting unlawful use of a building  
Delivery of controlled, counterfeit or look-alike substances to persons under age 18, or at truck stops, rest stops, safety rest areas, or on school property  
Using, engaging, or employing persons under 18 to deliver controlled, counterfeit or look-alike substances  
Delivery of controlled substances  
Sale or delivery of drug paraphernalia  
Felony possession, sale or exchange of instruments adapted for use of controlled substance or cannabis by subcutaneous injection

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Section 402.APPENDIX C Number and Ages of Children in Foster Family Home:  
Child Requires Specialized Care

Number and Ages of Children Under Age 18  
in a Regular Foster Family Home  
(includes family's own children under age 18)  
Children Require Specialized Care

Ages of Children	One Child Requires Specialized Care	Two Children Require Specialized Care	Three Children Require Specialized Care	Four Children Require Specialized Care
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Total Number	5	4	4(1)	4(1)
Under age six	4	3	3(1)	2(1,2)
Under age two	2	2	2(1)	1(1,2)

- 1) Requires approval of the manager of clinical services and the licensing supervisor.
- 2) May allow one more child if approved via a staffing held at the convenience of the ~~in--the~~ foster parent that ~~parent's-home-which~~ includes licensing, clinical services, the child welfare workers for all involved children, and the foster parents.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: School Technology Program

2) Code Citation: 23 Ill. Adm. Code 575

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
575.200	Amendment
575.400	Amendment
575.500	Amendment
575.600	Amendment
575.700	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.117a

5) A Complete Description of the Subjects and Issues Involved: The School Technology Revolving Loan Program is the first revolving loan program that the agency has operated. As such, staff have identified procedural concerns (e.g., required signatures, late submissions, agency review timelines, late fees) not envisioned when the rules were first written. The rules now need to be amended in order to address these concerns. Additionally, a review by the agency's Internal Audit Office also identified areas that the initial rules failed to address, such as reporting requirements and repayment procedures in the event that the district fails to use the loan as required.

6) Will these proposed amendments replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-284  
Springfield, Illinois 62777-0001  
(217) 782-3950

12) Initial Regulatory Flexibility Analysis:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: School districts receiving loans starting in FY02 will be required to submit an expenditure report on a form supplied by the State Board of Education no later than nine months following receipt of the loan.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER c: MISCELLANEOUS

## PART 575

## SCHOOL TECHNOLOGY PROGRAM

## SUBPART A: SCHOOL TECHNOLOGY GRANTS

## Section

575.10 Purpose

575.20 Eligible Expenditures

575.30 Application Procedure and Content

575.40 Matching Requirements

575.50 Proposal Review and Approval

575.60 Terms of the Grant

## SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

## Section

575.100 Purpose

575.200 Use of Funds

575.300 Maximum Amount of Loan

575.400 Application Procedures

575.500 Review of Application and Notification of Loan Award

575.600 Repayment Procedures

575.700 Terms and Conditions of Loan Agreement

**AUTHORITY:** Implementing and authorized by Sections 2-3.117 and 2-3.117a of the School Code [105 ILCS 5/2-3.117 and 2-3.117a].

**SOURCE:** Adopted at 20 Ill. Reg. 3522, effective February 13, 1996; emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19770, effective November 2, 1998; amended at 23 Ill. Reg. 8370, effective July 12, 1999; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

## Section 575.200 Use of Funds

Funding is available under the School Technology Revolving Loan Fund for technology hardware investments for students and staff (Section 2-3.117a of the School Code). These items include, but are not limited to:

- a) Expenditures for the establishment of local and wide area networks (e.g., cabling from network server to other areas, termination

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supplies, cable testers, patch panels) and for network hardware (e.g., switches, servers, hubs, modems, network adapter cards, transceivers, surge protection, uninterruptible power systems, network administration software);

- b) Supplies and the cost of labor for electrical work directly related to technology (e.g., wiring, conduit, boxes, receptacles, switches, cover plates, distribution panels and breakers);

- c) Hardware necessary for ~~classroom-instruction-and~~ staff development and for classroom instruction (e.g., computers, monitors, keyboards, mice, printers, network adapters, software and licenses for applications that are used in the classroom or for staff development purposes); and

- d) Other technology hardware investments directly related to ~~classroom instruction--or~~ staff development or to classroom instruction (e.g., scanners, projectors, LCD panels, digital cameras, camcorders).

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 575.400 Application Procedures

- a) The State Board of Education shall distribute application forms to all eligible school districts, as specified by Section 2-3.117a of the School Code, no later than June 1 for the following fiscal year. Applications will be due to the State Board of Education any time between July 1 and March 1 of the fiscal year in which loans will be made.

- b) Each application for a loan shall include the following information:

- 1) A list of all applicable expenditure categories, as described in Section 575.200 of this Part, for which loan proceeds shall be used;

- 2) The amount of the loan requested, which shall not exceed the amount calculated pursuant to Section 575.300 of this Part;

- 3) A description of the proposed use(s) of the loan funds, as specified in the resolution adopted by the District's board of education authorizing submission of the loan application; and
- 4) Such assurances and certifications as the State Board of Education may require, to include at least the following:

- A) that the loan proceeds shall be used in the grade levels specified on the application; and

- B) that the board of education approved a resolution authorizing submission of the loan application, specifying the date of that approval; and

- C) that the district shall comply with Section 2-3.117a of the School Code, this Subpart and the loan agreement (see Section 575.700 of this Part).

- c) Each loan application shall bear an original signatures signature of the district superintendent and of the president of the board of education and shall be sent to the State Board of Education as





## STATE BOARD OF EDUCATION

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iii) a new check issued in the amount due.

- c) A school district may prepay the balance due on the loan in its entirety on any scheduled payment date, provided that the district first contacts the State Board of Education to obtain the total amount of the principal and interest due at that time.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 575.700 Terms and Conditions of Loan Agreement

- a) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 575.200 of this Part and shall be expended in accordance with the approved application and the applicant's policies and procedures related to such expenditures. In the event that the loan proceeds are not expended in the manner approved, then the district, upon written notification from the State Board of Education, shall be required to submit, by the next payment due date, payment of the outstanding principal of the loan and the amount of the interest accrued as of that payment due date. ~~Loan proceeds shall be obligated no later than six months following receipt of the loan.~~

- cb) Use of loan proceeds shall be accounted for in accordance with the Program Accounting Manual (23 Ill. Adm. Code 110). For all loans approved in fiscal year 2002 and in succeeding years, loan recipients shall submit to the State Board of Education a report detailing how the loan proceeds were used. This expenditure report, to be submitted on a form supplied by the State Board of Education, shall be due not later than nine months following receipt of the loan.

- dc) Loan proceeds shall be included in the district's budget prepared under Section 17-1 of the School Code [105 ILCS 5/17-1].

- ed) In the event of default that is not cured within 90 calendar days, the State Board of Education shall deduct the amount owed from the district's next payment of general state aid, and the district shall be ineligible for additional loans until good standing has been restored.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health Facilities Planning Procedural Rules

- 2) Code Citation: 77 Ill. Adm. Code 1130

- 3) Section Numbers:  
 1130.410 Amendment  
 1130.539 New Section  
 1130.560 Amendment  
 1130.570 Amendment

- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]

- 5) A Complete Description of the Subjects and Issues Involved: A new Section to Part 1130 is proposed to create an exemption process for health care facilities to acquire the Positron Emission Tomographic (P.E.T.) category of service. The exemption will allow health care facilities to more readily obtain this service, while simultaneously providing assurances to the State Board that the major tenets of the Health Facilities Planning Act (cost control, improved access and enhanced quality) will be achieved in relation to the service. Changes to Sections 410, 560, and 570 are proposed to reflect the proposed new exemption.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
 No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
1130.140	Amendment	24 Ill. Reg. 14880, 10/13/00
1130.210	Amendment	24 Ill. Reg. 14880, 10/13/00
1130.310	Amendment	24 Ill. Reg. 14880, 10/13/00
1130.410	Amendment	24 Ill. Reg. 7091, 5/12/00
1130.510	Amendment	24 Ill. Reg. 7091, 5/12/00
1130.520	Amendment	24 Ill. Reg. 7091, 5/12/00
1130.541	Amendment	24 Ill. Reg. 7091, 5/12/00
1130.542	Amendment	24 Ill. Reg. 7091, 5/12/00
1130.543	Amendment	24 Ill. Reg. 7091, 5/12/00
1130.544	Amendment	24 Ill. Reg. 7091, 5/12/00
1130.545	New	24 Ill. Reg. 7091, 5/12/00
1130.546	New	24 Ill. Reg. 7091, 5/12/00
1130.547	New	24 Ill. Reg. 7091, 5/12/00
1130.548	New	24 Ill. Reg. 7091, 5/12/00
1130.549	New	24 Ill. Reg. 7091, 5/12/00



## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PROPOSED AMENDMENTS

1130.550 New 24 Ill. Reg. 7091, 5/12/00  
 1130.560 Amendment 24 Ill. Reg. 7091, 5/12/00  
 1130.570 Amendment 24 Ill. Reg. 7091, 5/12/00  
 1130.620 Amendment 24 Ill. Reg. 14880, 10/13/00  
 1130.630 Amendment 24 Ill. Reg. 14880, 10/13/00  
 1130.640 Amendment 24 Ill. Reg. 14880, 10/13/00  
 1130.910 New 24 Ill. Reg. 13783, 9/15/00  
 APPENDIX A Amendment 24 Ill. Reg. 14880, 10/13/00

- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking by writing within 45 days after this issue of the *Illinois Register* to:

Donald Jones

Illinois Health Facilities Planning Board  
 Illinois Department of Public Health

Division of Facilities Development  
 525 West Jefferson Street, Second Floor

Springfield, Illinois 62761-0001  
 (217) 782-3516

(217) 785-4308 (fax)  
 800-547-0466 (TTY - for hearing impaired only)

E-mail: djones1@dph.state.il.us

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

A public hearing will be held on Wednesday, February 28, 2001, at 1:30 p.m. at the Hilton Hotel, 700 East Adams Street, Springfield, Illinois. The hearing will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the State Board will follow these procedures in the conduct of the hearing:

- 1) Each person presenting oral testimony is requested to provide to the State Board a written (preferably typed) copy of such testimony at the time the oral testimony is presented.
- 2) No person will be recognized to speak for a second time until all persons wishing to testify have done so. The State Board may limit the time the hearing is open and limit the time of individual testimony based upon the number of persons wishing to testify. All testimony shall conclude at the specified time except that an individual in the midst of presenting testimony shall be allowed to

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PROPOSED AMENDMENTS

complete his/her testimony.

- 3) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the State Board may impose such other rules of procedure, including the order of call of witnesses, as necessary.

This rulemaking may have an impact of small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Donald Jones at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on this rulemaking shall indicate its status as such, in writing, in its comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Health care facilities that meet the definition of small business or not for profit corporation.

B) Reporting, bookkeeping or other procedures required for compliance:  
 None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking did not appear on the 2 most recent regulatory agendas because: It was on the July 1999 agenda.

The full text of the Proposed Amendments begins on the next page:

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER II: HEALTH FACILITIES  
PLANNING BOARD  
SUBCHAPTER b: OTHER BOARD RULES

## PART 1130

## HEALTH FACILITIES PLANNING PROCEDURAL RULES

## SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

Section	
1130.110	Statutory Authority/Applicability
1130.120	Public Hearings
1130.130	Purpose
1130.140	Definitions
1130.150	Incorporated Materials

## SUBPART B: WHO IS SUBJECT TO THE HEALTH FACILITIES PLANNING ACT

Section	
1130.210	Persons Subject to the Act
1130.220	Necessary Parties to the Application for Permit or Exemption

## SUBPART C: TRANSACTIONS SUBJECT TO REVIEW

Section	
1130.310	Transactions Subject to Review

## SUBPART D: TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW

Section	
1130.410	Transactions Which Are Exempt from Review

## SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

Section	
1130.510	Requirements for Exemptions Involving the Acquisition of Major Medical Equipment
1130.520	Requirements for Exemptions Involving the Change in Ownership of a Health Care Facility
1130.530	Requirements for Exemptions Involving Health Maintenance Organizations (Repealed)
1130.539	Requirements for Exemptions Involving the Establishment of Positron Emission Tomography (P.E.T.) Service
1130.540	Requirements for Exemptions Involving Discontinuation
1130.541	Requirements for Exemptions for Combined Facility Licensure
1130.542	Requirements for Exemptions for Temporary Use of Beds for Demonstration Programs

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PROPOSED AMENDMENTS

1130.543	Requirements for Exemption for Equipment to be Acquired By or on Behalf of a Health Care Facility
1130.544	Requirements for Exemption for the Addition of Dialysis Stations
1130.550	Agency Processing of an Application for Exemption
1130.560	State Board Action
1130.570	Validity of an Exemption

## SUBPART F: PROCEDURAL REQUIREMENTS FOR THE REVIEW AND PROCESSING OF APPLICATIONS FOR PERMIT

Section	
1130.610	Duration of the Review Period and Time Frames
1130.620	Consultation, Classification, Completeness Review, and Review Procedures
1130.630	Agency Actions During the Review Period
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1130.710	Validity of Permits
1130.720	Obligation
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1130.760	Annual Progress Reports
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1130.790	Penalties, Fines and Sanctions Mandated in the Illinois Health Facilities Planning Act for Non-compliance with the Act and the State Board's Rules

## SUBPART H: DECLARATORY RULINGS

Section	
1130.810	Declaratory Rulings

## APPENDIX A Annual Inflation Adjustments to Review Thresholds

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; emergency amendment at 15 Ill. Reg. 4787, effective March 18, 1991, for a maximum of 150

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days; amended at 15 Ill. Reg. 9731, effective June 17, 1991; emergency amendments at 16 Ill. Reg. 13153, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 17 Ill. Reg. 4448, effective March 24, 1993; amended at 17 Ill. Reg. 5882, effective March 26, 1993; amended at 19 Ill. Reg. 2972, effective March 1, 1995; expedited correction at 21 Ill. Reg. 3753, effective March 1, 1995; recodified at 20 Ill. Reg. 2597; emergency amendment at 21 Ill. Reg. 12671, effective September 2, 1997, for a maximum of 150 days; emergency expired January 30, 1998; amended at 23 Ill. Reg. 2911, effective March 15, 1999; emergency amendment at 23 Ill. Reg. 3835, effective March 15, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7752, effective July 9, 1999; amended at 24 Ill. Reg. 6013, effective April 7, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW

## Section 1130.410 Transactions Which Are Exempt from Review

The following proposed transactions are not subject to review if an exemption is granted by the State Board:

- a) the acquisition of major medical equipment which will not be owned by, operated in behalf of, or located in a health care facility or be used to provide services to an inpatient of a health care facility.
- b) the change of ownership of an existing health care facility.
- c) the discontinuation of an existing health care facility or of a category of service when that discontinuation is the result of:
  - 1) revocation of or denial of license renewal by a State or local regulatory agency;
  - 2) for facilities not subject to licensure, the loss of certification;
  - 3) discontinuation action taken by the State Board;
  - 4) the voluntary surrender of a suspended license.
- d) the combination of two or more existing health care facilities into a single licensed health care facility, when:
  - 1) the existing facilities are located on the same site or on sites adjacent to one another;
  - 2) the licensed person for the existing facilities is the same;
  - 3) the combination is for the sole purpose of operating the existing facilities under a single license;
  - 4) the combination does not involve any cost, any change in scope of services provided, or any change in bed capacity.
- e) the temporary use of beds within existing health care facilities for purposes other than categories of service as defined in 77 Ill. Adm. Code 1100, provided the following are met:
  - 1) the beds will be utilized to provide services as part of a demonstration program authorized by State or federal law, such as, but not limited to, the supportive living facility demonstration project established under Section 5-5.01a of the

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- 2) the beds will continue to be inventoried according to their presently approved use; and
- 3) the temporary use of such beds shall cease upon withdrawal from or completion of the demonstration program; and
- 4) that if such beds are to be permanently used for purposes other than those inventoried, a permit will be obtained from the State Board; and
- 5) that the temporary use of such beds will not be for demonstration models established pursuant to the Alternative Health Care Delivery Act [210 ILCS 3].
- f) the proposed acquisition or replacement of equipment by or on behalf of a health care facility that does not substantially change the bed count or the scope or functional operation of a health care facility and that does not exceed the lesser of \$4 million or 10% of the facility's operating revenues derived from patient/resident care (based upon the latest available audited financial statements of the facility or of the person who controls the facility).
- g) a proposed project for the addition of dialysis stations to existing facilities located in planning areas where the Inventory indicates a need for additional stations provided that the number of stations to be added does not exceed the planning area's need for additional stations as calculated in the Inventory and also provided that the number of stations to be added does not exceed the lesser of 10 stations or 50% of the facility's certified station capacity.
- h) proposed projects or transactions (such as name changes or corporate restructuring) that the State Board has determined pursuant to Section 1130.810 do not warrant review.
- i) proposed projects for the establishment of the Positron Emission Tomography (P.E.T.) service at health care facilities.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

## Section 1130.539 Requirements for Exemptions Involving the Establishment of Positron Emission Tomography (P.E.T.) Service

A person proposing a project to establish the Positron Emission Tomography (P.E.T.) category of service (for, by, or on behalf of a health care facility) and who requests an exemption from the requirements of obtaining a permit must submit an application for exemption to the State Board accompanied by the required application processing fee. Through this exemption, the establishment of this service cannot exceed the planning area's need for additional P.E.T. machines as calculated in the Inventory (77 Ill. Adm. Code 1100.700(b) and 110.2130(c)). Once the calculated need in a given planning area is met, no additional exemptions for this service will be issued in that planning area.



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After the need has been met for a planning area, persons who wish to provide this service in that planning area will need to apply to the State Board for a CON under the applicable rules at 77 Ill. Adm. Code 110.700 and 110.2130. The application for exemption shall be subject to review and action by the State Board pursuant to Section 1130.560.

## a) Application for Exemption Information

The application for exemption shall contain the following information:

- 1) the name and address of the person proposing the project;
- 2) the name and location of the facility where the P.E.T. service will be established;
- 3) a description of the equipment being acquired, the costs associated with the establishment of the equipment, and the sources and uses of funds;
- 4) the anticipated project schedule, including the anticipated date of project obligation and project completion;
- 5) the method of financing the acquisition;
- 6) documentation that the facility proposing to establish the P.E.T. service will perform at or above the target utilization as described at 77 Ill. Adm. Code 110.700(b);
- 7) a certification that a final cost report will be submitted to the Agency no later than 60 days following the project completion date;
- 8) proof of publication of a legal notice in a newspaper of general circulation in the community in which the facility is located;
- 9) certification that the project has not yet been entered into or executed; and
- 10) certification that the facility proposing to provide the P.E.T. service has a medical director who is a board certified physician by the American College of Radiology or the American College of Nuclear Medicine and has demonstrated expertise in conducting and interpreting P.E.T. scans. A copy of the physician's certification from one of the listed accreditation bodies will constitute sufficient documentation.

**BOARD NOTE:** Certification of compliance with the exemption information requirements of this Section must be in the form of a notarized statement signed by two authorized representatives (in the case of a corporation, one must be a member of the board of directors) of the applicant entity.

## b) Legal Notice Requirements

Any person requesting an exemption for the proposed establishment of P.E.T. service must publish a legal notice in a newspaper of general circulation (professional and trade association publications that are intended to serve a defined population will not be considered a newspaper of general circulation) in the community in which the facility is located that provides the following:

- 1) the name and address of the facility for which the exemption is sought;
- 2) the proposed cost of the project;

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- 3) a name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed transaction.

## c) Application Processing Fee

The application processing fee shall be the greater of \$1,000 or 1 percent of the total estimated transaction or project cost.

## d) Assurances -- Review Criteria

The applicant must provide the following assurances that will be binding upon the exemption holder or upon subsequent owners/operators of the applicant's facility:

- 1) that the service will cease operation in case of the absence of a medical director and will not resume until a medical director who meets the medical staffing criterion of 77 Ill. Adm. Code 110.2130(d) is attained; and
- 2) that the P.E.T. service will be made available to patients regardless of source of payment, including patients that are Medicare or Medicaid or free care.

## e) Data Requirements

Once an exemption application is approved, the exemption holder will provide the State Board with the following information for evaluative purposes:

- 1) number of P.E.T. scans performed;
- 2) number of patients that received P.E.T. scans;
- 3) number of physicians who referred patients for a P.E.T. scan;
- 4) number of physicians who performed P.E.T. scans;
- 5) diagnosis of patients receiving P.E.T. scans;
- 6) patients' payor source for the P.E.T. scan (e.g., self-pay, insurance, Medicare, Medicaid, etc.).

The requested information shall be provided annually as part of the facility's data requirements as stipulated at 77 Ill. Adm. Code 110.70.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1130.560 State Board Action

- a) The approval of an application for exemption requiring action by the State Board requires eight affirmative votes.
- b) Exemption applications for the acquisition of major medical equipment, the acquisition of equipment by or on behalf of a health care facility, and the addition of dialysis stations to an existing facility, and the establishment of the Positron Emission Tomography (P.E.T.) service require review and action by the State Board. The Chairman, acting on behalf of the State Board, shall review all other applications for exemption and approve, deny, or refer the applications to the State Board for review and action.
- c) The State Board shall evaluate each application for exemption for

## HEALTH FACILITIES PLANNING BOARD

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acquisition of major medical equipment, for the acquisition of equipment by or on behalf of a health care facility, for the addition of dialysis stations to an existing facility, for the establishment of the Positron Emission Tomography (P.E.T.) service, and any application for exemption referred by the Chairman and either issue an exemption or advise the applicant in writing that the application is denied and is not in compliance with exemption requirements. The State Board shall approve all applications for exemption if the applicable conditions of this Subpart are met. Exemptions will not be issued for projects that have failed to meet the applicable requirements of this Subpart. An exemption for a change of ownership shall not be granted for a project to establish a health care facility which has received a permit but which has not been completed.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1130.570 Validity of an Exemption

a) Approval to undertake a transaction that is exempt from review shall be valid for 12 months from the date the exemption application was approved. An exemption transaction for which the exemption approval was issued must be completed or obligated within this 12-month period. The approval for an exempted transaction that is not obligated or completed within this 12-month period will expire on the one year anniversary date after the exemption application's approval. The exemption holder must provide documentation to the Executive Secretary of completion or obligation of the transaction no later than 10 business days from the exemption approval expiration date. Documentation of obligation or completion shall consist of the following as applicable:

- 1) for change of ownership, the effective date that the transaction was completed, by providing evidence of the date of issuance of a new license or certification (if licensing is not applicable), or evidence of the effective date of a stock transfer, or evidence of the effective date of a majority change in voting membership or sponsorship of a not-for-profit corporation, or evidence of the effective date of a transfer of assets, or evidence of the effective date of a merger or consolidation, or evidence of the date of any other means of completion;
- 2) for major medical equipment, the effective date that the equipment became operational;
- 3) for combined facility licensing, the date of the issuance of a new license;
- 4) for demonstration programs, the date of approval to participate in the demonstration program;
- 5) for acquisition of equipment by or on behalf of a health care facility, the date the project was obligated;

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6) for the addition of dialysis stations to existing facilities, the date the project was obligated;

7) for the establishment of the Positron Emission Tomography (P.E.T.) service, the date the project was obligated.

AGENCY NOTE: Failure to provide the required notification of obligation or completion to the Executive Secretary no later than 10 business days following the exemption expiration date shall subject the exemption holder to the sanctions provided by the Act.

b) An exemption for a change of ownership of a health care facility shall be invalid if the health care facility ceases to be an existing health care facility as defined in Section 1130.140.

c) Failure to comply with any conditions and/or certifications required for an exemption shall constitute an unauthorized modification to the exemption and shall subject the person to the penalties provided by the Act.

d) Any person failing to obtain an exemption or permit when required shall be subject to the sanctions provided by the Act.

e) An exemption is not transferable or assignable and cannot be bought or sold on its own or as part of any other transaction.

AGENCY NOTE: See Section 1130.520 regarding changes of ownership for facilities with outstanding permits.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Narrative and Planning Policies2) Code Citation: 77 Ill. Adm. Code 11003) Section Numbers:  
1100.700  
Proposed Action:  
Amendment4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]5) A Complete Description of the Subjects and Issues Involved: Changes are proposed to revise the State Board's planning policies regarding the Positron Emission Tomographic Scanning (P.E.T.) category of service. These proposed changes are to revise the planning area and need determination, as well as establish a target utilization.6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1100.700	Amendment	24 Ill. Reg. 14907, 10/13/00

10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking by writing within 45 days after this issue of *Illinois Register* to:

Donald Jones  
 Illinois Health Facilities Planning Board  
 Illinois Department of Public Health  
 Division of Facilities Development  
 525 West Jefferson Street, Second Floor  
 Springfield, Illinois 62761-0001  
 (217) 782-3516  
 (217) 785-4308 (fax)  
 800-547-0466 (TTY - for hearing impaired only)  
 E-mail: djones@idph.state.il.us

All written comments received within 45 days of this issue of the *Illinois*

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PROPOSED AMENDMENT

*Register* will be considered.

A public hearing will be held on Wednesday, February 28, 2001, at 1:30 p.m. at the Hilton Hotel, 700 East Adams Street, Springfield, Illinois. The hearing will be for the sole purpose of gathering public comment on the proposed amendment. Persons interested in presenting testimony at this hearing are advised that the State Board will follow these procedures in the conduct of the hearing:

1) Each person presenting oral testimony is requested to provide to the State Board a written (preferably typed) copy of such testimony at the time the oral testimony is presented.

2) No person will be recognized to speak for a second time until all persons wishing to testify have done so. The State Board may limit the time the hearing is open and limit the time of individual testimony based upon the number of persons wishing to testify. All testimony shall conclude at the specified time except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.

3) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the State Board may impose such other rules of procedure, including the order of call of witnesses, as necessary.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small businesses may present their comments in writing to Donald Jones at the above Address

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on this rulemaking shall indicate its status as such, in writing, in its comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Health care facilities that meet the definition of small business or not-for-profit corporation.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas



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because: It was included on the July 1999 agenda.

The full text of the Proposed Amendment begins on the next page:

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER II: HEALTH FACILITIES  
PLANNING BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

## PART 1100

## NARRATIVE AND PLANNING POLICIES

## SUBPART A: GENERAL NARRATIVE

Section	
1100.10	Introduction
1100.20	Authority
1100.30	Purpose
1100.40	Health Maintenance Organizations (Repealed)
1100.50	Subchapter Organization
1100.60	Mandatory Reporting of Data
1100.70	Data Appendices
1100.80	Institutional Master Plan Hospitals (Repealed)
1100.90	Public Hearings

## SUBPART B: GENERAL DEFINITIONS

Section	
1100.210	Introduction
1100.220	Definitions

## SUBPART C: PLANNING POLICIES

Section	
1100.310	Need Assessment
1100.320	Staffing
1100.330	Professional Education
1100.340	Public Testimony
1100.350	Multi-Institutional Systems
1100.360	Modern Facilities
1100.370	Occupancy-Utilization Standards
1100.380	Systems Planning
1100.390	Quality
1100.400	Location
1100.410	Needed Facilities
1100.420	Discontinuation
1100.430	Coordination with Other State Agencies

## SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section	
1100.510	Introduction, Formula Components and Planning Area Development

## HEALTH FACILITIES PLANNING BOARD

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## Policies

1100.520 Medical-Surgical/Pediatric Categories of Service  
 1100.530 Obstetric Category of Service  
 1100.540 Intensive Care Category of Service  
 1100.550 Comprehensive Physical Rehabilitation Category of Service  
 1100.560 Acute Mental Illness Category of Service  
 1100.570 Substance Abuse/Addiction Treatment Category of Service (Repealed)  
 1100.580 Neonatal Intensive Care Category of Service  
 1100.590 Burn Treatment Category of Service  
 1100.600 Therapeutic Radiology Equipment  
 1100.610 Open Heart Surgery Category of Service  
 1100.620 Cardiac Catheterization Services  
 1100.630 Chronic Renal Dialysis Category of Service  
 1100.640 Non-Hospital Based Ambulatory Surgery  
 1100.650 Computer Systems (Repealed)  
 1100.660 General Long-Term Care-Nursing Care Category of Service  
 1100.661 General Long-Term Care-Sheltered Care Category of Service  
 1100.670 Specialized Long-Term Care Categories of Service  
 1100.680 Intraoperative Magnetic Resonance Imaging Category of Service  
 1100.690 High Linear Energy Transfer (L.E.T.)  
 1100.700 Positron Emission Tomographic Scanning (P.E.T.)  
 1100.710 Extracorporeal Shock Wave Lithotripsy (Repealed)  
 1100.720 Selected Organ Transplantation  
 1100.730 Kidney Transplantation  
 1100.740 Subacute Care Hospital Model  
 1100.750 Postsurgical Recovery Care Center Alternative Health Care Model  
 1100.760 Children's Respite Care Center Alternative Health Care Model  
 1100.770 Community-Based Residential Rehabilitation Center Alternative Health Care Model

APPENDIX A Applicable Codes and Standards Utilized in 77 Ill. Adm. Code: Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344, effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992; amended at 18

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Ill. Reg. 2986, effective February 10, 1994; amended at 18 Ill. Reg. 8449, effective July 1, 1994; emergency amendment at 19 Ill. Reg. 1941, effective January 31, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 2985, effective March 1, 1995; amended at 19 Ill. Reg. 10143, effective June 30, 1995; recodified from the Department of Public Health to the Health Facilities Planning Board at 20 Ill. Reg. 2594; amended at 20 Ill. Reg. 14778, effective November 15, 1996; amended at 21 Ill. Reg. 6220, effective May 30, 1997; expedited correction at 21 Ill. Reg. 17201, effective May 30, 1997; amended at 23 Ill. Reg. 2960, effective March 15, 1999; amended at 24 Ill. Reg. 6070, effective April 7, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

## Section 1100.700 Positron Emission Tomographic Scanning (P.E.T.)

- a) Planning Area: Health Service Areas. ~~The State of Illinois~~
  - b) Target Utilization: A minimum of 1,000 scans annually per P.E.T. machine within two years after initiation. The calculation of 1,000 scans will be based upon data submitted by the applicant demonstrating the machine's utilization by all referral sources.
  - c) Need Determination ~~Assessments~~: The need for a P.E.T. machine shall be determined by using the adjusted Illinois cancer incidence rate and applying that rate to each HSA. This is determined as follows:
    - 1) determine the population in each HSA;
    - 2) divide the HSA population from step one by 100,000;
    - 3) determine the total number of diagnosed cancer cases in Illinois;
    - 4) divide the number in subsection (c)(3) by 2 (it is assumed that 50% of patients diagnosed with cancer will not benefit from a P.E.T. scan);
    - 5) divide the number from subsection (c)(4) by the number in subsection (c)(2) to determine the adjusted statewide cancer incidence rate per 100,000 population;
    - 6) multiply the total number in subsection (c)(5) by the number in subsection (c)(2) to determine the estimated number of cancer cases diagnosed in the HSA;
    - 7) multiply the number in subsection (c)(6) by 1.5 to accommodate non-oncology patients;
    - 8) divide the number in subsection (c)(7) by 1,000 (target utilization) to determine the number of P.E.T. machines needed in each HSA;
    - 9) subtract existing P.E.T. machines in operation to determine additional machines needed.
- ~~One-piece-of-equipment-for-each-medical-school-of-the-Colleges-of-Medicine-within-the-State.~~
- (Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Processing, Classification Policies and Review Criteria

2) Code Citation: 77 Ill. Adm. Code 1110

3) Section Numbers:  
1110.40  
1110.2130

Proposed Action:  
Amendment  
Amendment

4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]

5) A Complete Description of the Subjects and Issues Involved: Changes are proposed to revise the State Board's review criteria regarding the Positron Emission Tomographic Scanning (P.E.T.) category of service. These proposed changes are to: (1) make the review of these projects non-substantive; (2) designate planning areas; (3) establish a target utilization; (4) provide guidelines on medical staffing requirements; and (5) furnish assurances for project usage.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
1110.40	Amendment	24 Ill. Reg. 14918, October 13, 2000
1110.60	Amendment	24 Ill. Reg. 14918, October 13, 2000
1110.230	Amendment	24 Ill. Reg. 14918, October 13, 2000

10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking by writing within 45 days after this issue of the *Illinois Register* to:

Donald Jones  
Illinois Health Facilities Planning Board  
Illinois Department of Public Health  
Division of Facilities Development  
525 West Jefferson Street, Second Floor  
Springfield, Illinois 62761-0001  
(217) 782-3516

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PROPOSED AMENDMENT

(217) 785-4308 (fax)  
800-547-0466 (TTY - for hearing impaired only)  
E-mail: [djones1@idph.state.il.us](mailto:djones1@idph.state.il.us)

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

A public hearing will be held on Wednesday, February 28, 2001, at 1:30 p.m. at the Hilton Hotel, 700 East Adams Street, Springfield, Illinois. The hearing will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the State Board will follow these procedures in the conduct of the hearing:

1) Each person presenting oral testimony is requested to provide to the State Board a written (preferably typed) copy of such testimony at the time the oral testimony is presented.

2) No person will be recognized to speak for a second time until all persons wishing to testify have done so. The State Board may limit the time the hearing is open and limit the time of individual testimony based upon the number of persons wishing to testify. All testimony shall conclude at the specified time except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.

3) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the State Board may impose such other rules of procedure, including the order of call of witnesses, as necessary.

This rulemaking may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Donald Jones at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on this rulemaking shall indicate its status as such, in writing, in its comments.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Health care facilities that meet the definition of small business or not for profit corporation.

B) Reporting, bookkeeping or other procedures required for compliance:  
None



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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking did not appear on either of the 2 most recent regulatory agendas because: It was on the July 1999 agenda.

The full text of the Proposed Amendments begins on the next page:

HEALTH FACILITIES PLANNING BOARD  
NOTICE OF PROPOSED AMENDMENT  
TITLE 77: PUBLIC HEALTH  
CHAPTER II: HEALTH FACILITIES  
PLANNING BOARD  
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1110  
PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section  
1110.10  
1110.20  
1110.30  
1110.40  
1110.50  
1110.55  
1110.60  
1110.65

Introduction to Part 1110  
Projects Required to Obtain a Permit (Repealed)  
Processing and Reviewing Applications  
Classification of Projects  
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1110.1620 Computer Systems--Definitions (Repealed)  
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1110.2410 Introduction  
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Model--State Board Review  
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CHILDREN'S RESPITE CARE ALTERNATIVE HEALTH CARE MODEL

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APPENDIX A	Medical Specialty Eligibility/Certification Boards
APPENDIX B	State and National Norms
APPENDIX C	Statutory Citations for All State and Federal Laws and Regulations Referenced in Chapter 3

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987; amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; emergency amendments at 16 Ill. Reg. 13159, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 16 Ill. Reg. 16108, effective October 2, 1992; amended at 17 Ill. Reg. 4453, effective March 24, 1993; amended at 18 Ill. Reg. 2993, effective February 10, 1994; amended at 18 Ill. Reg. 8455, effective July 1, 1994; amended at 19 Ill. Reg. 2991, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 7981, effective May 31, 1995, for a maximum of 150 days; emergency expired October

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27, 1995; emergency amendment at 19 Ill. Reg. 15273, effective October 20, 1995, for a maximum of 150 days; recodified from the Department of Public Health to the Health Facilities Planning Board at 20 Ill. Reg. 2600; amended at 20 Ill. Reg. 4734, effective March 22, 1996; amended at 20 Ill. Reg. 14785, effective November 15, 1996; amended at 23 Ill. Reg. 2987, effective March 15, 1999; amended at 24 Ill. Reg. 6075, effective April 7, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

## Section 1110.40 Classification of Projects

When an application for permit has been received by the State Board, the Executive Secretary shall classify the project into one of the following classifications:

## a) Emergency Classification

1) Emergency projects are subject to the review process and are those construction or modification projects that affect the inpatient operation of a health care facility and are necessary because there exists one or more of the following conditions:

- A) An imminent threat to the structural integrity of the building; or
- B) An imminent threat to the safe operation and functioning of the mechanical, electrical, or comparable systems of the building.

2) Since the State Board recognizes that applications for emergency projects must be processed as expeditiously as possible, all applications will be reviewed in accordance with the following review criteria:

- A) the project is indeed an emergency project as defined in subsection (a)(1)(A) or (B) above; and
  - B) failure to proceed immediately with the project would result in closure or impairment of the inpatient operation of the facility; and
  - C) the emergency conditions did not exist longer than 30 days prior to requesting the emergency classification.
- b) Non-Substantive Review Classification. Non-substantive projects are those establishment, construction, modification or equipment projects which consist solely of the characteristics detailed in this subsection. Applications shall be evaluated only against the following applicable review criteria of the Sections or Parts specified.

## Applicable Project Type

## Review Criteria

Establishment of long-term care

Section 1110.230 and

Part 1120

Facilities licensed by the  
Department of Children and Family

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Services

Discontinuation of beds or category of service

Changes of ownership

Section 1110.130 and Part 1120

Sections 1110.230(b), 1110.240, and Part 1120

Long-term care for the Developmentally Disabled Categories of Service

Section 1110.230; Section 1110.320(b); Section 1110.1830; and Part 1120

Acute Care Beds Certified for Extended Care Category of Service as defined by the Health Care Financing Administration (42 CFR 405.471 (1987))

Section 1110.230(a), (c), (e); and Part 1120

Chronic Renal Dialysis Category of Service

Section 1110.230; Part 1110.1430; and Part 1120

Positron Emission Tomographic Scanning Category of Service

Section 1110.230(a), (c), (d) and (e); Section 1110.2130; and Part 1120

Residential units and apartments

Section 1110.230; and Part 1120

Projects intended solely to provide care to patients suffering from Acquired Immunodeficiency Syndrome (AIDS) or related disorders

Section 1110.230; Section 1110.320; Section 1110.420; and Part 1120

Projects to comply with Life Safety Code requirements

Section 1110.420(a) and (b); and Part 1120

Restaurants, cafeterias, snack bars and all other non-patient dining areas

Section 1110.230(c) and (e); Section 1110.420(b); and Part 1120

Administration and volunteer offices

Section 1110.230(c) and (e); and Part 1120

Replacement of diagnostic or therapeutic equipment with comparable equipment to

Section 1110.420(b); and Part 1120

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be utilized for a similar purpose

Medical office buildings, fitness centers, and other non-inpatient space

Section 1110.230(c), (d) and e); and Part 1120

Boiler repair or replacement (does not include boiler plant); bridges, tunnels, walkways, elevators or other structures designed to provide access between or through existing buildings; capitalized projects that are

Part 1120

considered basically maintenance, such as carpeting, tile replacement or furniture purchase; chapels; computers; educational facilities, including auditoriums, classrooms, student housing; emergency transportation equipment; gift shops, news stands and other retail space; mechanical systems for heating, ventilation and air conditioning; modernization of structural components (roof replacement, masonry work, etc.); loading docks; parking facilities; telephone systems

Community-Based Residential Rehabilitation Center Alternative Health Care Model

Section 1110.2850

c) Substantive Review Classification. All projects that do not include components specified in subsection (b) shall be subject to review and shall be classified substantive unless they are found to be emergency projects as delineated in subsection (a) above.

d) Classification of projects with both non-substantive and substantive components. Projects which include both substantive and non-substantive components shall be classified as substantive.

e) Classification Appeal. Appeal of any classification may be made to the State Board at the next scheduled State Board meeting.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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SUBPART V: CATEGORY OF SERVICE REVIEW CRITERIA--POSITRON  
EMISSION TOMOGRAPHIC SCANNING (P.E.T.)Section 110.2130 Positron Emission Tomographic Scanning (P.E.T.) -- Review  
Criteriaa) Projected P.E.T. Volume Initial--Introduction -- Review Criterion  
Criteria

The applicant must document that the projected number of P.E.T. scans will meet or exceed the target utilization level specified in 77 Ill. Adm. Code 1100.700(b).

Documentation shall consist of the following:

- 1) number of cancer cases diagnosed at the applicant's facility; or  
the--initial--introduction--of--Positron-Emission-Tomographic  
Scanners--will--allow--the--State-Board--the--opportunity--to--study--data  
generated--by--the--initial--project--in--order--to--evaluate--the  
efficacy--of--this--technologically--innovative--equipment;
- 2) Facilities-Planning-Board--has--determined--that--for--the--period--of  
study--and--data--collection--one--piece--of--this--equipment--be  
allocated--for--each--medical--school--of--the--Colleges--of--Medicine  
within--the--State;
- 3) referrals from physicians in the HSA; or
- 4) multi-institutional system appropriate referrals.

b) Appropriate--Medical--and--Related--Services--to--be--Provided--Review  
Criteria

## 1) Training and Medical Education

Institutions must have on their staff board-certified physicians who will participate in the evaluation of P.E.T. Scanners.

## 2) Support Services

Because--P.E.T.--services--should--complement--other--diagnostic  
modalities--P.E.T.--scanners--shall--be--located--at--facilities  
offering--a--full--range--of--diagnostic--modalities--including--but--not  
limited--to--ultrasound--nuclear--medicine--PET--scanning  
radioisotope procedures and conventional diagnostic x-ray. A  
nuclear medicine facility wishing to participate in P.E.T.  
evaluation must be a full service facility.

3) Board--Certified--Nuclear--Medicine--Physician--and--Radiation  
Physicist

A) The applicant must have on staff a board-certified or board  
eligible physician specializing in nuclear medicine and a  
staff physicist with expertise in nuclear medicine to assure  
the quality and safety of the P.E.T. equipment.

B) A staff radiation physicist is defined in the Rules of the  
State Board, as a person who is a graduate physicist, and  
is either certified or eligible for certification by the  
American Board of Radiology or its equivalent, or who is a  
graduate physicist with equivalent training and experienced

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## to that degree required by the American Board of Radiology.

## be) Multi-Institutional Systems -- Review Criterion

The applicant must document that the proposed project will result in the establishment of a multi-institutional system with regard to the utilization of Positron Emission Tomographic Scanners. Such documentation may include copies of letters or signed agreements with other facilities stating that those facilities will utilize this equipment by the referral of patients.

## c) Unnecessary Duplication of Service -- Review Criterion

An applicant must document that establishing the P.E.T. category of service will not result in an unnecessary duplication of service within the HSA. Documentation shall include evidence of the following:

- 1) there are no healthcare facilities providing (or approved to provide) the P.E.T. category of service within the HSA; or
- 2) the proposed project will not reduce utilization below the standard specified at 77 Ill. Adm. Code 1100.700(b) for facilities that have operated at or above the established level for the latest 12 month period (for which data is available); or
- 3) the impact the proposed project will have on an existing facility (including those approved to provide P.E.T. service that are not in operation) that has not operated at the target utilization level; or
- 4) that existing P.E.T. facilities located in the HSA have restrictive policies or protocols that preclude patients from the applicant's facility from obtaining P.E.T. services.

## d) Medical Staffing Location -- Review Criterion

The applicant must provide documentation that each facility or site where the P.E.T. service is proposed has a medical director who is a board-certified physician by the American College of Radiology or the American College of Nuclear Medicine and has a demonstrated expertise in conducting and interpreting P.E.T. scans. Due to the fact that P.E.T. Scanners are innovative equipment it will be the policy of the State Board that such pieces of equipment be located at an affiliated teaching facility of the State's medical schools in order to evaluate medical efficacy. The applicant must document that the medical school has recommended the institution in which the equipment is to be located. A copy of a letter from the Dean of the appropriate College of Medicine (for his representative) will constitute sufficient documentation.

## e) Data Collection -- Review Criteria

As part of the State Board's evaluation of this service, the applicant must document that it will provide the following information:

- 1) IBPH shall collect data from all available sources for purposes of studying the efficacy of this equipment;
- 2) the applicant must document that it will provide utilization data, clinical data, and reports of clinical efficacy in comparison to other forms of diagnostic modalities as requested



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by-IDPH-

- 1) number of P.E.T. scans performed;
- 2) number of patients that received a P.E.T. scan;
- 3) number of physicians who referred patients for a P.E.T. scan;
- 4) number of physicians who performed P.E.T. scans;
- 5) payer source for the P.E.T. scan (e.g., self-pay, insurance, Medicare, Medicaid, etc.).

The requested information must be provided annually as part of the facility's data requirements as stipulated at 77 Ill. Adm. Code 1100.70. ~~the applicant must also document that it will provide a representative from the institution as a liaison to the State Board for the purposes of data collection.~~ A letter stating that, if Approved, the applicant will participate by providing required data, will constitute sufficient documentation.

f) Assurances -- Review Criteria

The applicant must provide the following assurances that will be binding upon the applicant or upon subsequent owners/operators of the applicant's facility:

- 1) that the service will cease operation in the absence of a medical director and will not resume until a medical director who meets the medical staffing criterion of subsection (d) is attained; and
- 2) that the P.E.T. service will be made available to patients regardless of source of payment, including patients that are Medicare or Medicaid or free care.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Authorizations
- 2) Code Citation: 89 Ill. Adm. Code 520
- 3) Section Numbers:  
520.10                      Proposed Action:  
                                 Amend  
520.20                      Amend  
520.30                      Amend  
520.100                    Amend
- 4) Statutory Authority: Implementing and authorized by Section 3(k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(k)].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends this Part to bring it up to date on language and cites. The amendments also remove parts of the rule which have been misinterpreted. This confusion has led to the rule being out of compliance with the Federal Regulations which require preapproval of all services reimbursed by federal funds.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 520  
AUTHORIZATIONS

## Section

520.10 Timing of the Authorization

520.20 Issuance of Authorizations

520.30 Standards for the Issuance of Authorizations

520.100 Authorization for Purchased Services

AUTHORITY: Implementing and authorized by Section 3(k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(k)].

SOURCE: Adopted at 8 Ill. Reg. 9104, effective June 15, 1984; amended at 13 Ill. Reg. 5149, effective March 31, 1989; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 520.10 Timing of the Authorization

The in-general, the authorization for services must be made either prior to or simultaneously with the purchase of services. Exceptions to this may be made after the purchase of service in compliance with the standards in Sections 520.20 and 520.30.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 520.20 Issuance of Authorizations

Written authorizations must be made prior to the purchase of services. However, oral authorizations shall be made prior to ~~or~~ simultaneously with ~~or~~ after the provision of services when a service has not been anticipated and included in the customer's client's Individualized Plan for Employment (IPE) ~~Written Rehabilitation Program (WRP)~~ (89 Ill. Adm. Code 572) or Service Plan (89 Ill. Adm. Code 684 700) ~~but later found to be necessary and immediate and meets the standards as set forth in Section 520.30.~~ The oral authorization must be followed by a written authorization to the vendor.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 520.30 Standards for the Issuance of Authorizations

In order for authorization to be issued, the services must:

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## a) be essential to:

- 1) the determination of eligibility (89 Ill. Adm. Code 553.552); or
- 2) the achievement of the objectives listed in the IPE IWRP or Service Plan by meeting one of the following:

A) Prior Commitment: there was prior discussion and written or oral commitment by the counselor to the provider or to the customer client, or both, to provide the service; or ~~7-at-a later date:~~

B) ~~Consistent---Service---the---service---is---consistent---with previously-discussed-and-established-objectives-feeligibility determination, medical reduction-of-functional-limitations, training,---and---is---a---service---essential-to---reach---the objectives-of-the-IWRP-or-Service-Plan.~~

B) Supportive Service: the service is directly related to, and an integral part of, a service previously authorized, and the supportive service is included in the customer's IPE client's--IWRP or Service Plan (e.g., lab test or x-ray with an authorized exam, anesthesia for authorized surgery, books or supplies for authorized training); and

b) when so required, be from a qualified vendor as specified in 89 Ill. Adm. Code: Chapter IV, Subchapter b (Vocational Rehabilitation) and Subchapter d (Home Services Program); and

c) be consistent with the Department of Human Services (DHS) set rate of payments, exceptions being:

- 1) extraordinary medical procedures or prescriptions requiring highly complex or skilled services for which established rates have not been set (these exceptions must be approved by a DHS medical consultant);
- 2) services which are available from only one service provider or services which are above set rates but still less expensive than the purchase of the same service at the set rate because of the need for support services, i.e., maintenance (89 Ill. Adm. Code 590.650 602) and transportation (89 Ill. Adm. Code 590.600 607-20);
- 3) services for which set rates have not been established. In these cases, services will be authorized based upon best value, by comparative analysis of cost and quality of similar services.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 520.100 Authorization for Purchased Services

- a) In authorizing purchased services, it should be remembered that under Section 50-13 of the Illinois Procurement Code [30 ILCS 500/50-13] DHS cannot pay for services from some State employees, even if provided on their own time, without the granting of an exemption. If a proposed authorization is with a State employee, it should first be discussed

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with a DHS-ORS supervisor. ~~anyone-who-is-on-another-state-agency payroll-even-if-provided-on-his/her-own-time,--except-university employees-and-those-who-have-secured-a-waiver-letter-from-the-Governor according-to-the-Illinois-Purchasing-Act-(30-ILCS-505).~~

- b) Amounts authorized for purchased services shall constitute total charges and payment in full for those services. Providers shall not charge clients with fees or portions of fees for services authorized by DHS.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Certification Under Medicaid Rehabilitation Option for Early Intervention Programs

- 2) Code Citation: 59 Ill. Adm. Code 122

- 3) Section Numbers:
- |        |          |
|--------|----------|
| 122.10 | Repealed |
| 122.15 | Repealed |
| 122.20 | Repealed |
| 122.25 | Repealed |
| 122.30 | Repealed |
| 122.31 | Repealed |
| 122.35 | Repealed |
| 122.40 | Repealed |
| 122.45 | Repealed |
| 122.50 | Repealed |
| 122.55 | Repealed |
| 122.60 | Repealed |
| 122.65 | Repealed |
| 122.70 | Repealed |
| 122.75 | Repealed |
| 122.80 | Repealed |
| 122.85 | Repealed |
- APPENDIX A

- 4) Statutory Authority: Implementing and authorized by Section 9 of the Early Intervention Services System Act [325 ILCS 20/9].

- 5) A Complete Description of the Subjects and Issues involved: These Rules will be replaced by the newly proposed 89 Ill. Adm. Code 500, Early Intervention Rules.

- 6) Will this proposed repealer replace an emergency rule currently in effect?  
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed repealer contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed repealer: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary form compliance: None

- 13) Regulatory Agenda on which this repealer was summarized: This rulemaking did not appear on either of the 2 most recent regulatory agendas because: It was on the January 2000 agenda.

The full text of the Proposed Repealer begins on the next page:

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TITLE 59: MENTAL HEALTH  
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

## PART 122

CERTIFICATION UNDER MEDICAID REHABILITATION OPTION FOR EARLY INTERVENTION  
PROGRAMS  
(REPEALED)

## SUBPART A: GENERAL PROVISIONS

Section	
122.10	Purpose
122.15	Incorporation by reference
122.20	Definitions
122.25	General requirements
122.30	Administrative requirements
122.31	Eligibility, notice requirements and timeframes for compliance
122.35	Recordkeeping

## SUBPART B: CERTIFICATION REQUIREMENTS

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122.45	Provider recertification and reviews
122.50	Certification for additional services and/or new site(s)
122.55	Suspension of certification
122.60	Termination of certification
122.65	Certification appeal criteria and process
122.70	Rate setting

## SUBPART C: OPERATIONAL PROCEDURES

Section	
122.75	Assessment
122.80	Individual family service plan (IFSP) development and modification
122.85	Transdisciplinary or interdisciplinary team

## APPENDIX A Early Intervention Services Provider Certification Application Components

AUTHORITY: Implementing and authorized by Section 9 of the Early Intervention Services System Act [325 ILCS 20/9].

SOURCE: Adopted at 17 Ill. Reg. 4236, effective March 23, 1993; amended at 18 Ill. Reg. 15581, effective October 5, 1994; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; repealed at 25 Ill. Reg. \_\_\_\_\_, effective

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## SUBPART A: GENERAL PROVISIONS

## Section 122.10 Purpose

- a) The Department shall use these requirements to certify, recertify, and periodically review early intervention providers who choose to participate in the Medicaid rehabilitation option program for early intervention providers. This includes the certification and recertification of the provider's eligibility for approval and enrollment in the Illinois medical assistance program by the Department of Public Aid (89 Ill. Adm. Code 140) (Medical Payment).
- b) In addition to being funded by the Department, early intervention services may be supported financially by Medicaid (42 U.S.C.A. 1396 et seq. (1996)) for grants to states for medical assistance eligible individuals, under the Illinois medical assistance program (89 Ill. Adm. Code 140) (Medical Payment) administered by the Department of Public Aid.
- c) These requirements are for the purpose of assuring that children and their families shall receive quality early intervention services pursuant to 42 CFR 440 and 42 CFR 456 (1996) for Medicaid-eligible individuals.

## Section 122.15 Incorporation by reference

Any rules or standards of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

## Section 122.20 Definitions

Terms that apply to this Part are either defined in 59 Ill. Adm. Code 121.30 or are defined below.

"Certification." Initial determination and redetermination of the eligibility of a provider to participate in the Medicaid rehabilitation option as an early intervention program and to provide early intervention services. The Department issues certification upon a determination of compliance with this Part and 59 Ill. Adm. Code 121. Certification must be issued by the Department before the provider can be enrolled with the Department of Public Aid as a Medicaid provider in order to provide Medicaid-reimbursable early intervention services. Enrollment as a Medicaid provider is issued by the Department of Public Aid on receipt of a letter of certification by the Department, a completed Medicaid provider enrollment form and on determination of compliance with 89 Ill. Adm. Code 140.11 by the Department of Public Aid.

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"Developmental delay." One in which a child is experiencing a *delay* in one or more of the following areas of childhood development as measured by appropriate diagnostic instruments and standard procedures: cognitive; physical, including vision and hearing; language, speech and communication; psycho-social; or self-help skills [325 ILCS 20/3].

"Developmental disability." Disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by mentally retarded individuals. Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap [405 ILCS 5/1-106].

"Enrollment." The official enrollment of a certified provider in the medical assistance program by the Department of Public Aid on determination of compliance with 89 Ill. Adm. Code 140.11.

"Licensed practitioner of the healing arts (LPHA)." A clinical psychologist licensed pursuant to the Clinical Psychologist Licensing Act [225 ILCS 15], a licensed clinical social worker (LCSW) licensed pursuant to the Clinical Social Work and Social Work Practice Act [225 ILCS 20] or a registered nurse with a bachelor's degree in nursing who is licensed pursuant to the Illinois Nursing Act of 1987 [225 ILCS 65].

"Medicaid." Medical assistance issued by the Illinois Department of Public Aid under the provisions of Title XIX of the Social Security Act (42 U.S.C.A. 1396 (1996)), for eligible recipients including Aid to the Aged, Blind and Disabled (AABD), Aid to Families with Dependent Children (AFDC), Medical Assistance No Grant (WANG), Refugee Repatriate Program (RRP) recipients and Title XIX eligible DCFS wards.

"Medicaid provider enrollment." Refers to the process where agencies complete the Medicaid provider enrollment form, submit the form to the Department of Public Aid and are provided a Medicaid provider number.

"Medicaid rehabilitative services option." Refers to rehabilitative services, as authorized in 42 CFR 440.130 (1996), and defined in 59 Ill. Adm. Code 121.Subpart C. At the option of the Department of Public Aid, these services may be included in the Medicaid state plan as covered services for Medicaid-eligible individuals.

## Section 122.25 General requirements

- a) A physician or LPHA shall be responsible for recommending medically

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necessary rehabilitative services.  
b) Providers shall comply with all requirements of the Department's rules at 59 Ill. Adm. Code 121.

## Section 122.30 Administrative requirements

- a) The parent or parent substitute shall give informed consent for the release of information to the Department of Public Aid and the U.S. Health Care Financing Administration for claiming Medicaid reimbursement. The provider shall document this consent in the child and family's record and forward the release of information forms to the Department.
- b) The provider shall submit within 180 days after the end of the State fiscal year the State of Illinois Interagency Statistical and Financial Report (ISFR) to the Department unless the Department extends the timeframe for a provider having a different fiscal year than the State of Illinois.
- c) The provider shall comply with the requirements governing audits, false reporting and other fraudulent activities, pursuant to 89 Ill. Adm. Code 140.30 and 140.35 for services provided to Medicaid-eligible individuals. The provider shall be held responsible for any claims disallowed resulting from non-compliance with this Part and with 59 Ill. Adm. Code 121.
- d) The provider shall bill all other third parties prior to reporting to the Department services provided to Medicaid-eligible children and their families. The provider shall maintain a record of all such billings and payments received.

## Section 122.31 Eligibility, notice requirements and timeframes for compliance

- a) Families of children aged birth to 36 months old with a developmental disability or a developmental delay may apply for early intervention services at a local early intervention provider funded through the Department.
- b) Providers must use one of the following eligibility criteria to categorize the child's developmental condition:
  - 1) Developmental disability as defined in Section 122.20, or
  - 2) Developmental delay as defined in Section 122.20.
- c) If the child is determined eligible for services, the provider shall provide written notification to the parent or parent substitute and shall contact the parent or parent substitute to determine a time to develop the IFSP. If the parent or parent substitute is unable to read, the information shall be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances. The child's service eligibility will be based on the child meeting either subsection (b)(1), (2) or (3) of this Section and adequate capacity to provide services.



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- d) If the child is determined ineligible for services a letter shall be sent to the parent or parent substitute stating the reason(s) the child is ineligible for services. The letter shall also include the name of the person to contact or the process to begin the appeal process. The appeal of service denial may be made as described in Subpart D of this Part. If the parent or parent substitute is unable to read, the information shall be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances.
- e) The following are the timeframes for complying with eligibility and age requirements for children served under this Part:
- 1) Any child admitted to an early intervention program on or after the effective date of this Part must meet the eligibility criteria set forth in subsections (a) and (b) of this Section.
  - 2) A child in an early intervention program on the effective date of this Part who does not meet the eligibility criteria set forth in subsection (b) of this Section may continue to receive early intervention services until the child is 36 months old.
  - 3) A child in an early intervention program on the effective date of this Part who is age 36 months or older may continue to receive early intervention services until the child is transitioned to education or other community services in accordance with Section 121.115.

**Section 122.35 Recordkeeping**

All clinical and financial records required to be maintained shall be readily available for inspection, audit and copying (including photocopying) by Department personnel. Department personnel shall make all attempts to examine such records without interfering with the professional activities of the provider. Such records also shall be available to Department of Public Aid and U.S. Health Care Financing Administration compliance personnel during normal business hours at the provider's facility.

**SUBPART B: CERTIFICATION REQUIREMENTS****Section 122.40 Provider application and initial certification process**

- a) Successful applicants for certification under the Medicaid Rehabilitation Option shall be certified by the Department and enrolled as a provider in the Illinois medical assistance program by the Department of Public Aid pursuant to 89 Ill. Adm. Code 140.11.
- b) Applications may be obtained by submitting a request in writing to:

Department of Human Services  
Office of Accreditation and Licensure  
405 Stratton Building  
Springfield IL 62765

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- c) The applicant shall submit to the Department at the address in subsection (b) of this Section a completed "Application for Certification of Early Intervention Program" with all necessary components.
  - d) At the discretion of the Department, agencies submitting applications which have all components attached may be certified according to the procedures outlined in either subsection (e) or (f) of this Section.
  - e) For applications which have attached to them, at a minimum, a staffing roster, evidence of compliance with state and local ordinances and codes relating to fire safety for all site(s) where Medicaid-reimbursable services are being provided, documentation of compliance from a licensed plumber and electrician that any structure to be used as a site complies with the codes and standards pertaining to the licensing and regulation of plumbers and the National Electrical Code (see 59 Ill. Adm. Code 121.40) and a copy of the applicant's financial audit for the last fiscal year if it is not on file with the Department, the Department shall conduct an on-site review within 40 days after the receipt of the application.
- 1) The on-site review for full compliance with this Part and 59 Ill. Adm. Code 121 shall examine all administrative and service standards that pertain to the specific types of early intervention services for which the applicant is requesting certification. The applicant's site(s) on which the early intervention services are offered shall be reviewed for compliance with applicable federal, state, and local laws and ordinances pertaining to safety and accessibility. A review of a sample of client records shall be conducted. Such sample shall consist of a minimum of 10 records from the applicant's Medicaid-eligible clients. In the event that 10 records of Medicaid-eligible clients are not available, the sample will consist of all available Medicaid-eligible client records. If the provider is a newly formed agency that has not provided services in the past, the review shall be of the provider's plans for record content and maintenance. Compliance shall be based on the provider's capability to perform in accordance with this Part and 59 Ill. Adm. Code 121.
  - 2) If the on-site review confirms compliance with the requirements of this Part and 59 Ill. Adm. Code 121, the Department shall issue a letter of certification within 20 days after the date of completion of the on-site review. The Department shall then send the Medicaid enrollment forms to the applicant. Certification shall be effective the date of the first day of the on-site review.
  - 3) If the on-site review does not confirm compliance with the requirements of this Part and 59 Ill. Adm. Code 121, the Department shall report deficiencies to the applicant in an exit conference. The Department shall also issue to the applicant, within 40 days, a notice of deficiencies enumerating those

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standards of this Part and 59 Ill. Adm. Code 121 with which the applicant is not in compliance. The Department may certify a provider for participation in the program at the conclusion of the exit conference, if the applicant agrees in writing to correct all other identified deficiencies, and complies with Section 122.25 and with 59 Ill. Adm. Code 121.35 and 121.40.

A) The certified provider shall submit a plan of correction for the deficiencies within 25 days after the postmark date on the written notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to comply with this Part and 59 Ill. Adm. Code 121 and the timeframes for carrying out this action. Timeframes for carrying out the action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must occur before the end of the next complete State fiscal year following the fiscal year during which the deficiency was first documented. Applicants required to correct deficiencies related to physical accessibility may be certified in the interim upon effecting measures to reasonably accommodate persons with disabilities.

B) The Department shall notify the certified provider within 20 days after receipt and approval of the plan of correction. Providers whose certification is continued based on the Department's approval of their plan of correction shall be liable for any claims disallowed due to non-compliance with this Part and 59 Ill. Adm. Code 121.

C) Applicants that do not comply with Section 121.70 may be certified when a plan of correction is submitted and approved by the Department. Certification will be effective the latest date of implementation for correcting deficiencies noted in Section 122.25 and 59 Ill. Adm. Code 121.35.

D) If the plan of correction does not effectively address the action that has been or will be taken to meet the standards for compliance, the Department shall notify the certified provider within 20 days. The certified provider shall resubmit an acceptable plan of correction within 10 days after the notice or the Department shall act to suspend or terminate certification.

E) If the certified provider fails to respond to the notice of deficiencies within 25 days after the postmark date on the notice of deficiencies with a plan of correction, the Department shall act to suspend or terminate certification.

F) Applications that have attached to them all components identified in Section 122.Appendix A shall be reviewed for compliance with this

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Part and 59 Ill. Adm. Code 121. Applications missing any components will not be accepted as complete and the timeframes of this Section pertaining to applications shall not apply. The applicant shall be notified in writing of missing components within 20 days after the receipt of the application. The applicant shall submit any missing components within 25 days after receipt of the written notification. Applications still missing components at this time shall be returned to the applicant.

1) If the application components comply with this Part and 59 Ill. Adm. Code 121, the Department shall issue a letter of certification within 20 days after having received the application and send the Medicaid enrollment forms to the provider. The effective date of certification shall be the date the review of the application was completed.

2) If the application includes all of the components but one or more of the components do not comply with this Part and 59 Ill. Adm. Code 121, the applicant shall be notified in writing within 20 days after receipt of the completed application of identified deficiencies. The applicant shall submit corrected documentation or an acceptable plan of correction for these deficiencies within 25 days after the postmark date on the notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to comply with this Part and 59 Ill. Adm. Code 121 and the timeframes for carrying out the action. If the applicant does not respond with a plan of correction within the 25 days, the application will be considered withdrawn and returned to the applicant.

3) After receipt and approval of the corrected documentation or the plan of correction for the identified deficiencies, the Department shall notify the applicant and issue a letter of certification and send the Medicaid enrollment forms to the applicant. The effective date of certification shall be the date on which the corrected documentation is approved or the plan of correction is carried out except when deficiencies relate to major structural deficiencies as explained in subsection (f)(4)(D) of this Section.

4) The Department shall schedule an on-site review to verify compliance with this Part and 59 Ill. Adm. Code 121 within six months after initial certification when certification has been issued based solely upon a review of the application components specified in Section 122.Appendix A.

A) The on-site review for verification with this Part and with 59 Ill. Adm. Code 121 shall examine all administrative and service standards that pertain to the specific types of early intervention services for which the provider has been certified. The provider's site(s) on which early intervention services are offered shall be reviewed for compliance with applicable federal, state, and local laws

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and ordinances pertaining to safety and accessibility. A retrospective review of a sample of Medicaid-eligible client records shall be conducted. Such sample shall consist of a minimum of 10 records of the provider's Medicaid-eligible clients. In the event that 10 Medicaid-eligible client records are not available, the sample will consist of all available Medicaid-eligible client records.

B) If the on-site review verifies compliance with the requirements of this Part and 59 Ill. Adm. Code 121, the Department shall issue a letter of verification within 20 days after the date of completing the on-site review.

C) If the on-site review does not verify compliance with the requirements of this Part and with 59 Ill. Adm. Code 121, the Department shall report deficiencies to the provider during an exit conference. Within 20 days after the on-site review, the Department shall send a notice of deficiencies to the provider listing those standards of this Part and 59 Ill. Adm. Code 121 with which the provider does not comply.

D) The provider is required to submit a plan of correction for the deficiencies within 25 days after the postmark date on the written notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to comply with this Part and with 59 Ill. Adm. Code 121 and the timeframes for carrying out the action. Timeframes for carrying out the action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must occur before the end of the next complete state fiscal year following the fiscal year during which the deficiency was first documented in writing. Providers required to correct deficiencies related to physical accessibility may be certified in the interim upon effecting measures to reasonably accommodate persons with disabilities.

E) If the provider fails to respond to the notice of deficiencies within 25 days after the postmark date on the notice of deficiencies with an acceptable plan of correction, the Department shall initiate the process to suspend or terminate certification.

F) Within 20 days after receipt and approval of the plan of correction, the Department shall issue a letter approving continuation of the certification period. Providers certified based on the Department's approval of their plan of correction shall be liable for any claims due to non-compliance with this Part and 59 Ill. Adm. Code 121.

g) A provider certified by the Department under 59 Ill. Adm. Code 132 shall be deemed to comply with Sections 121.40, 121.45 (a) and (d),

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121.55, 121.60 and 121.65 of 59 Ill. Adm. Code 121, and Section 122.35.

h) Applicants that are fully accredited by the Accreditation Council on Services for Persons with Disabilities (Standards for Services for Persons with Disabilities (Accreditation Council for Services for Persons with Disabilities, 8100 Professional Place, Suite 204, Landover, Maryland 20785 (1990))) or fully accredited for the early intervention program by the Commission on Accreditation of Rehabilitation Facilities (Standards Manual for Organizations Serving People with Disabilities (Commission on Accreditation of Rehabilitation Facilities, 101 North Wilmet Road, Suite 500, Tucson, Arizona 85711 (1992))) shall be deemed to be certified under this Part. However, such applicants are required to comply with all of the standards in this Part and 59 Ill. Adm. Code 121. To qualify under this subsection, applicants shall submit an application with a copy of the most recent accreditation survey to the address in Section 122.40(b). The Department will review the materials and request additional information as necessary.

i) Applicants that are fully accredited by the Commission on Accreditation of Rehabilitation Facilities for the agency as a whole (not specifically for the early intervention program) or by the Council on Accreditation of Services for Families and Children (Manual for Agency Accreditation (Council on Accreditation of Services for Families and Children, Inc., 520 - 8th Avenue, Suite 2202B, New York, New York 10018 (1992))) shall not have the standards specified in 59 Ill. Adm. Code 121.45(a) and 121.60 examined during the on-site review, but are required to comply with all of the standards. These applicants shall not have standards in 59 Ill. Adm. Code 121.40 examined during the on-site review for any site included in the licensure accreditation process but are required to comply with all of these standards.

j) Initial certification shall not be granted if the review notes deficiencies in Sections 122.25(a), 122.75 or 122.80 or in 59 Ill. Adm. Code 121.40. If no deficiencies are noted in these sections, and the provider complies with all other requirements specified in Section 122.40, the initial certification shall be for a three-year period unless the review notes deficiencies in complying with 59 Ill. Adm. Code 121.55(d). If such deficiencies are noted in 59 Ill. Adm. Code 121.55(d), the initial certification shall be for a 12-month period. Any changes during the certification period which affect the ability of the provider to deliver services complying with the requirements of this Part and 59 Ill. Adm. Code 121 shall be reported to the Department.

k) When a decision is made not to certify an applicant, the applicant may appeal the decision and request a hearing in accordance with Section 122.60 and Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25].



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**Section 122.45 Provider recertification and reviews**

- a) The Department shall conduct a full compliance review at or about three years from the date of the initial certification, unless the provider was certified for a period of twelve months pursuant to Section 122.40 (j). In this case, the Department shall conduct a full compliance review at or about twelve months from the date of initial certification. A provider which was deemed to meet this Part and 59 Ill. Adm. Code 121 in whole or in part according to Section 122.40 (g) or (h) shall submit documentation describing its current accreditation status to the address in Section 122.40 (b). A provider found to comply with this Part and with 59 Ill. Adm. Code 121 subsequent to initial certification shall be issued a letter of certification within 20 days, extending for three years from the date on which the prior certification period expired or will expire. Any changes during the certification period that affect the ability of the provider to deliver services complying with the requirements of this Part and with 59 Ill. Adm. Code 121 shall be reported to the Department.
- b) A provider found not to comply with this Part and 59 Ill. Adm. Code 121 shall be issued a notice of deficiencies within 40 days. The provider shall be required to submit a plan of correction for these deficiencies within 25 days after the postmark date of the notice of deficiencies. Timeframes for carrying out the action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must occur before the end of the next complete state fiscal year following the fiscal year during which the deficiency was first documented in writing. The Department shall issue a letter of certification upon approving the plan of correction. This certification shall extend for three years from the date on which the prior certification period expired or will expire.
- c) A provider that fails to submit a plan of correction or submits a plan of correction which is not approved by the Department shall be subject to the suspension and termination provisions in Sections 122.55 and 122.60.
- d) A focused review shall be conducted to verify the implementation of a plan of correction, to inspect new sites for which a provider seeks additional certification, to investigate complaints, and/or to review major program changes related to the ability of the provider to deliver services complying with this Part and 59 Ill. Adm. Code 121. A focused review shall include an on-site survey when visual inspection is necessary.
- e) If a recertified provider has a plan of correction on file with the Department, a focused review shall be conducted within 12 months.
- f) If the Department fails to conduct a compliance review for recertification before the expiration of the current certification period, the certification shall remain valid until completion of such

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- g) compliance review.
- h) Subsequent compliance reviews for recertification will be conducted on or about the expiration date of the current certification period.
- i) The Department shall be granted access to all provider sites. Client records and all other records shall be made available to the Department, on request, during the initial compliance survey, focused review(s) and three-year full compliance survey(s) required by this Section, in accordance with the Confidentiality Act.

**Section 122.50 Certification for additional services and/or new site(s)**

- a) Providers certified for specific early intervention services pursuant to this Part and 59 Ill. Adm. Code 121 which seek certification for the provision of additional services shall submit the following documentation.
  - 1) A detailed program description of the service(s) delineating how the new service(s) is to be provided, when and where the service(s) is to be provided and who will provide the service(s), including staff qualifications; and
  - 2) If the service is to be provided at a site which has not already been certified, a clearance letter from the local fire authority or the Office of the State Fire Marshal and statements from a licensed plumber and licensed electrician stating that the site(s) meets required local codes for their respective professions, and a letter from the provider attesting to compliance with the requirements of physical accessibility standards (see 59 Ill. Adm. Code 121.40). (A statement from a local building inspector will meet the plumber and electrician requirements.)
- b) Providers certified for specific early intervention services pursuant to this Part and 59 Ill. Adm. Code 121 which seek certification for new site(s) (e.g., moving to a new location or adding an additional site) shall comply with the documentation requirements specified in subsection (a)(2) of this Section.
- c) The provider's request to certify additional early intervention services or new site(s) shall be submitted to the Department.
- d) The documentation listed in subsection (a)(1) and/or (2) of this Section shall be reviewed for compliance within 20 days after receipt.
  - 1) If the review determines that the provider complies with the requirements for certification for additional early intervention services and/or new site(s), the provider shall be notified and a new Medicaid certificate issued with the same expiration date as the current certificate. The certificate shall identify the additional early intervention services or new site(s) certified. The Department shall conduct a focused review within 18 months or at the next scheduled review, whichever comes first, to verify compliance with the requirements for new services only. The Department shall conduct a focused review within 12 months after

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the Department's approval of the new site(s) or at the next scheduled review, whichever comes first, to verify compliance with the requirements for new site(s) only or both new site(s) and new services.

- 2) If the review determines that the provider does not comply with the requirements for certification for additional service(s) or new site(s), the provider shall be notified of the deficiencies in writing within 20 days after receipt of the documentation as identified in subsection (a)(1) and/or (2) of this Section. The provider shall submit an acceptable plan of correction for these deficiencies within 25 days after the postmark date on the notice of deficiencies.

- A) After the Department's receipt and approval of a plan of correction, the provider shall be notified and a new Medicaid certificate issued with the same expiration date as the current certificate. The certificate shall identify the additional early intervention service(s) and/or new site(s).
- B) The Department shall conduct a focused review to verify implementation of the plan of correction for new site(s) at the next scheduled review or within six months after the Department's approval of the new sites, whichever comes first.

**Section 122.55 Suspension of certification**

- a) Failure to comply with the requirements of this Part and with 59 Ill. Adm. Code 121 during a certification period shall result in the certified provider being suspended from participation in the Medicaid rehabilitation option early intervention program. The provider shall not receive enhanced funding (via federal financial participation) during the suspension period.

- b) The Department shall issue a written warning and a correction order to a certified provider which has failed to comply with this Part and with 59 Ill. Adm. Code 121. The letter shall be sent by certified mail, returned receipt requested. The following shall occur as a result of such suspension:

- 1) The provider shall have a maximum of 60 days from the date of receipt of the written notice to correct the cited deficiencies.
- 2) If the provider does not correct the cited deficiencies within 60 days, the Department shall refer the matter to the Department of Public Aid for action to terminate the provider's participation in the medical assistance program pursuant to 89 Ill. Adm. Code 140.16.

- c) The Department shall immediately suspend a certified provider, and such suspension shall not be stayed pending an appeal, if it determines:

- 1) Clinical supervision of services, as specified in each Subpart of this Part, is not being provided; or

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- 2) The provider's staff is inflicting physical or mental injury or sexual assault on the children served; or
- 3) The site in which the services are provided presents an immediate danger to children or their families, and the problem presenting the danger is not immediately corrected. An example is a gas leakage in the heating system that has not been repaired.
- d) The suspension shall continue until the Department determines that the cited deficiencies have been corrected or until action pursuant to subsections (b)(1) and (b)(2) of this Section is taken.
- e) The Department shall notify the Department of Public Aid of any action taken pursuant to this Section, and in addition, shall refer any evidence of Medicaid fraud within 10 days after the discovery of such evidence to the Department of Public Aid for further action.

**Section 122.60 Termination of certification**

- a) A provider shall be issued a written notice terminating certification during a certification period for:

- 1) Meeting any of the grounds for termination set forth in 89 Ill. Adm. Code 140.16; or
- 2) Discontinuing delivery of all early intervention services for which the provider has been certified; or
- 3) Being convicted of defrauding the medical assistance program under Article VIII A of the Illinois Public Aid Code [305 ILCS 5/8A-1]; or
- 4) Failing to submit and/or carry out a plan of correction for cited deficiencies.
- b) In the event that the contract between the provider and the Department for provision of services under 59 Ill. Adm. Code 121 is terminated, certification of the provider shall likewise be terminated and the Department of Public Aid shall be advised of this by the Department. The provider is solely liable for the cost of services provided after the contract has been terminated.

**Section 122.65 Certification appeal criteria and process**

- a) Grounds for appeal by the provider are:

- 1) Determination of non-compliance with this Part; or
- 2) Refusal to issue certification; or
- 3) Refusal to issue recertification; or
- 4) Suspension or termination of any or all early intervention services.

- b) Certification appeal criteria and process

- 1) If the Department determines that certification or the recertification should not be issued or that certification should be suspended or terminated during a certification period because of non-compliance with the provisions of this Part, the Department shall send, by registered mail, written notice to the

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applicant or the certified provider within 30 days after the determination. The notice shall contain the specific requirements with which the provider has not complied, the Department's proposed action, and provider rights as follows:

- A) If the applicant or certified provider chooses to appeal the Department's decision, the applicant or provider shall submit a written request for a hearing to the Department within 20 days after the date of receipt of the notice.
- B) If an appeal is initiated by a certified provider, services shall be continued pending a final administrative decision.
- 2) If the applicant or certified provider does not submit a request for a hearing, as provided in this Part or if after conducting the hearing the Department determines that the certification or recertification should not be issued or that the certification should be suspended or terminated, the Department shall issue an order to that effect. If the order is to suspend or terminate the certification, it shall specify that the order takes effect upon receipt by the certified provider.
- c) Hearing process
  - 1) The hearing shall be conducted by an impartial administrative law judge appointed by the Department of Public Aid (DPA).
  - 2) DPA's hearing rules for medical vendor hearings, as set forth at 89 Ill. Adm. Code 104, shall apply except that the following Sections do not apply to these hearings: 104.200, 104.204, 104.206, 104.208, 104.210, 104.216, 104.217, 104.221, 104.260, 104.272, 104.273, and 104.274.
  - 3) The appeal shall be filed with, and received by, the Department's Hearing and Appeals Unit, 401 Stratton Building, Springfield IL 62765, within 20 days after the date of the decision.
  - 4) Department shall send a copy of the appeal to the DPA Vendor Hearings Section, 624 South Michigan Avenue, Chicago IL 60605-1906 within five calendar days after receiving the appeal.
  - 5) The appellant shall direct all non-written communications relevant to the hearing to the Supervisor of the Department's Hearing and Appeals Unit, who shall send them to the DPA Vendor Hearings Section.
  - 6) A recommended decision shall be submitted to the DPA Director and copies mailed to the parties, in accordance with the DPA rule at 89 Ill. Adm. Code 104.290. A copy shall also be mailed to the Supervisor of the Department's Hearing and Appeals Unit.
- d) Final administrative decision
 

The Director of the Department of Public Aid shall issue a final administrative decision in accordance with DPA's rule at 89 Ill. Adm. Code 104.295.

## Section 122.70 Rate setting

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- a) The purpose of the Department computing rates for early intervention services is for claiming under the Medicaid rehabilitation option and returning the federal financial participation monies generated to early intervention programs, up to the appropriation.
- b) The rates shall be computed for each State fiscal year, shall be implemented 30 days after approval is received from the Department of Public Aid and shall be in effect for one State fiscal year.
- c) Rates for each service are based on rates paid by the Department or the Department of Public Aid for the similar services provided by the same level of professional.
- d) If no rates exist in accordance with subsection (c) of this Section, unit rates for each early intervention service are computed from the following factors:
  - 1) Hourly wages and salaries for staff who are authorized to provide claimable services;
  - 2) Hourly paid benefits for staff who are authorized to provide claimable services;
  - 3) Hourly Medicaid-reimbursable community provider operating expenses in addition to those specified in (1) and (2) of this Section;
  - 4) Time spent in delivering services that may be claimed; and
  - 5) Child or family staff ratios.
- e) Services such as screening, social history, assessment, the individualized family service plan, psychological services/evaluation and service facilitation shall be reported at an hourly rate per child reportable to the nearest quarter hour; and
- f) Developmental services shall be reported at an hourly rate per child reportable to the nearest half hour.

## SUBPART C: OPERATIONAL PROCEDURES

## Section 122.75 Assessment

The results of the assessment shall be reviewed by the physician or LPHA and documented by signature on the IFSP. The physician or LPHA shall determine if other evaluations are necessary in order to develop the child's IFSP.

## Section 122.80 Individual family service plan (IFSP) development and modification

- a) In addition to the requirements specified in 59 Ill. Adm. Code 121.90, a physician or LPHA shall provide the clinical direction of rehabilitative early intervention services identified in the IFSP as documented by his or her signature on the IFSP. This signature must be obtained within the timeframes in Section 121.70.
- b) Such clinical direction shall include review and approval of the initial IFSP and subsequent modification(s). The IFSP shall be reviewed and modified, as necessary, but no less than once every six

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months.

**Section 122.85 Transdisciplinary or interdisciplinary team**

The transdisciplinary or interdisciplinary team shall invite the participation of the physician or LPHA who reviews and signs the IFSP.

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**Section 122.APPENDIX A Early Intervention Services Provider Certification Application Components**

The following items are required as attachments to the application pursuant to Section 122.40.

- 1) Detailed program description (including staff qualifications, dates and times of operations) for each service for which application is made.
- 2) Utilization review plan pursuant to 59 Ill. Adm. Code 121.65.
- 3) A copy of a child and family record format including copies of all forms to be used.
- 4) If accredited, a copy of the applicant's most recent accreditation letter and, if applicable, the report of survey findings.
- 5) Documentation of compliance with State and local ordinances and codes pursuant to 59 Ill. Adm. Code 121.40 as they relate to fire and safety for all sites where services are provided.
- 6) Documentation of compliance from a licensed plumber and electrician for all sites where services are provided. (A statement from a local or municipal/county building inspector will meet this requirement.)
- 7) A copy of the applicant's financial audit for the last fiscal year if it is not on file with the Department.
- 8) Policy statements on:
  - a. Third party payments (pursuant to Section 122.30 (d));
  - b. Written recommendation and clinical direction of services pursuant to Section 122.25 (a) and 122.80; and
  - c. Confidentiality of child and family records (pursuant to 59 Ill. Adm. Code 121.55).
- 9) The most recent contract that the applicant has with the Department for early intervention services.
- 10) A staffing roster that demonstrates the applicant's capacity to provide services according to this Part and 59 Ill. Adm. Code 121.



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## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Child Care2) Code Citation: 89 Ill. Adm. Code 50

Section Numbers:	Proposed Action:
50.510	New Section
50.520	New Section
50.530	New Section
50.540	New Section
50.550	New Section
50.560	New Section
50.570	New Section
50.580	New Section

4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/Arts. I through IX and 12-13) and Section 10-22 of the Department of Human Services Act [20 ILCS 1305/10-22].5) A Complete Description of the Subjects and Issues involved: Pursuant to provisions of 20 ILCS 1305/10-22, these proposed amendments implement the Great START (Strategy To Attract and Retain Teachers) Program.6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? Yes7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
Telephone number: (217) 785-9772

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that appears in this issue of the Illinois Register on page 2531.

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## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Early Intervention Program2) Code Citation: 59 Ill. Adm. Code 1213) Section Numbers: Proposed Action:

121.10 Repealed  
 121.15 Repealed  
 121.20 Repealed  
 121.25 Repealed  
 121.30 Repealed  
 121.35 Repealed  
 121.40 Repealed  
 121.45 Repealed  
 121.50 Repealed  
 121.55 Repealed  
 121.60 Repealed  
 121.65 Repealed  
 121.66 Repealed  
 121.70 Repealed  
 121.75 Repealed  
 121.80 Repealed  
 121.85 Repealed  
 121.90 Repealed  
 121.95 Repealed  
 121.100 Repealed  
 121.105 Repealed  
 121.110 Repealed  
 121.115 Repealed  
 121.120 Repealed  
 121.125 Repealed  
 121.130 Repealed  
 121.135 Repealed  
 121.140 Repealed  
 121.145 Repealed  
 APPENDIX A Repealed

4) Statutory Authority: Implementing and authorized by Section 9 of the Early Intervention Services System Act [325 ILCS 20/9].5) A Complete Description of the Subjects and Issues involved: These Rules will be replaced by the newly proposed 89 Ill. Adm. Code 500, Early Intervention Rules.6) Will this proposed repealer replace an emergency rulemaking currently in effect? No7) Does this rulemaking contain an automatic repeal date? No

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8) Does this proposed repealer contain incorporations by reference? No9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed repealer: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
 Bureau of Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 3rd Floor Harris Bldg.  
 Springfield IL 62762  
 (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this repealer was summarized: This rulemaking did not appear on either of the 2 most recent regulatory agendas because: It appeared on the January 2000 regulatory agenda.

The full text of the Proposed Repealer begins on the next page:

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TITLE 59: MENTAL HEALTH  
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

## PART 121

## EARLY INTERVENTION PROGRAM (REPEALED)

## SUBPART A: GENERAL PROVISIONS

## Section

- 121.10 Purpose  
121.15 Incorporation by reference  
121.20 Early intervention service principles  
121.25 Child and family rights and confidentiality  
121.30 Definitions

## SUBPART B: PROVIDER REQUIREMENTS

## Section

- 121.35 General requirements  
121.40 Environmental management  
121.45 Administrative requirements  
121.50 Personnel requirements  
121.55 Recordkeeping  
121.60 Program evaluation  
121.65 Utilization review  
121.66 Accreditation

## SUBPART C: OPERATIONAL PROCEDURE AND SERVICES

## Section

- 121.70 Time frame for completion of process  
121.75 Screening and social history  
121.80 Assessment  
121.85 Eligibility, notice requirements and time frames for compliance  
121.90 Individualized family service plan (IFSP) development and modification  
121.95 Transdisciplinary or interdisciplinary team  
121.100 Early intervention services  
121.105 Discharge  
121.110 Exit criteria  
121.115 Transition process

## SUBPART D: HEARINGS AND APPEALS

## Section

- 121.120 Representation  
121.125 Notice  
121.130 Pre-hearing conference

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- 121.135 Conduct of hearings  
121.140 Hearing officer's decision  
121.145 Appeal to the Director  
APPENDIX A Utilization Guidelines

AUTHORITY: Implementing and authorized by Section 9 of the Early Intervention Services System Act [325 ILCS 20/9].

SOURCE: Adopted at 17 Ill. Reg. 4261, effective March 23, 1993; amended at 18 Ill. Reg. 15387, effective October 5, 1994; amended at 21 Ill. Reg. 8268, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 7962, effective April 27, 1998; repealed at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 121.10 Purpose

- a) The requirements contained in this Part establish criteria for participation by providers in the Department of Human Services (Department)-funded early intervention program. The Department's early intervention program funds early intervention services as described in Subpart C of this Part.
- b) The requirements contained in this Part do not apply to those early intervention services that are similar to those described in Subpart C of this Part but are funded by other sources. Other funding sources, such as the Elementary and Secondary Education Act (20 U.S.C. 2701 (1996)) (P.L. 89-313, Chapter I) and the Individuals with Disabilities Education Act (20 U.S.C. 1401 (1996)) (P.L. 102-119, Part H), have their own requirements governing the services that they fund.
- c) The intent of this Part is to define and describe the role of the Department in implementing one component of the Early Intervention Services System Act [325 ILCS 20]. This Part describes requirements for providing early intervention services by Department-funded core early intervention providers to children from birth to 36 months old who have a developmental disability, developmental delay or high probability of developmental delay and to their families.
- d) The policies and procedures in this Part shall provide uniform directions for the Department's early intervention program.

## Section 121.15 Incorporation by reference

Any rules or standards of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

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**Section 121.20 Early intervention service principles**

Early intervention services shall be:

- a) Family focused
 

The family is the focus of the service system. Families have the right to be involved in early intervention services to the extent that they desire. Families shall be provided encouragement and training to take the lead, if they so choose, in the development and implementation of early intervention services.
- b) Designed to meet the developmental needs of the child
 

A comprehensive delivery system shall meet the unique needs of the child and family. The delivery service system shall be guided by an individualized family service plan (IFSP) and shall build on existing social service and community networks.
- c) Of high quality
 

Early intervention services shall be provided by qualified personnel who have training in child development.
- d) Provided in the most natural environment for the child and family
 

Early intervention services shall promote integration and participation of the entire family in the community by strengthening existing networks and by assisting the family to obtain community resources. Emphasis shall be placed on providing services whenever possible in environments with children with no disabilities.
- e) Accessible to the family
 

Families of children with a developmental disability, developmental delay or high probability of developmental delay shall be able to access services within the geographic area in which they live. These services shall be sensitive to the social, economic and cultural needs of the family.
- f) Of a transdisciplinary or interdisciplinary nature
 

Early intervention services shall be designed and provided by a transdisciplinary or interdisciplinary team, which shall consist of the parent or parent substitute and professionals. The professionals shall represent the different disciplines necessary to help to identify the needs of the family and those of the child.
- g) Provide for transition into community-based programs and services
 

Assistance with transition planning shall be an essential part of the early intervention program. This shall include informing families of the child's entitlement to education and of the procedural safeguards for a timely transition into the education system. Families shall also be informed of other community services that are available to meet the unique and changing needs of the child and family.
- h) Monitored and evaluated for quality assurance
 

Quality assurance shall entail a comprehensive program of internal and external monitoring to assess and identify needs that allow for strategic planning, cost-effectiveness and the enhancement of current and future services.

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**Section 121.25 Child and family rights and confidentiality**

Providers shall ensure that the rights of the child and family are protected and that all services provided to the child and family comply with the laws cited in subsections (a) and (b) below.

- a) The rights of the child and family shall be protected in accordance with Chapter 2 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/Ch. 2], except that the use of seclusion shall not be permitted.
- b) The right of the child and family to confidentiality shall be governed by the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].
- c) Staff shall inform the parent or parent substitute of a child who is entering a program of the following:
  - 1) His or her rights according to subsections (a) and (b) of this Section;
  - 2) His or her right to contact Equip for Equality, Inc. or to request advocacy from the local coordinating/advocacy provider, other service providers or Department grant-funded case coordination. The early intervention provider may be one of several potential sources offered for such advocacy. This information shall be given to the parent or parent substitute in writing. Staff shall offer assistance to the parent or parent substitute in contacting Equip for Equality, Inc., the coordinating/advocacy provider, the service providers or Department grant-funded case coordination;
  - 3) His or her right to provide informed consent in writing, prior to:
    - A) An initial screening, social history and assessment of the child;
    - B) A family assessment;
    - C) Initiation of services to the child and family; and
    - D) An assessment subsequent to the initial screening, social history and assessment (unless he or she has specifically waived this requirement in writing).
  - 4) His or her right to:
    - A) Receive a timely assessment;
    - B) Refuse screenings, social histories, assessment and assessments and services, the provider does not have to provide any other services.
    - C) Review and correct records; and
    - D) Upon request, be given a list by the provider of the types and locations of records collected, maintained or used by the provider relating to:
      - i) Screening, social history, assessment, eligibility determinations or the development and implementation of IFSPs; and



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- ii) Individual complaints dealing with children or families.

E) The provider shall also include the title and address of the person to whom requests to review such records should be made.

F) The Department has the right to inspect records at any time.

5) His or her right to selectively consent to proposed screenings, social histories, assessments and services recommended through the IFSP process;

6) His or her right to present complaints, appeal actions to deny, modify, reduce or discharge from services;

7) His or her right to approve the individualized family services plan, as specified in Section 121.90(f); and

8) Any impact on his or her resources or sources of payment, including insurance, as a result of receiving the early intervention services.

d) The information in subsection (c) of this Section shall be explained using language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances. Documentation of such explanation shall be placed in the child and family's clinical record.

e) Providers shall have procedures that permit the family to present complaints and to appeal actions to deny, reduce or discharge from services. The provider complaint process shall permit the family to appeal an adverse provider decision to the authorized agency representative. The procedures shall require, at a minimum that:

1) Notification of the right to appeal actions to deny, modify, reduce or discharge from services be given to the parent or parent substitute on entry into the program;

2) Written notice be given of the intent to deny and, 10 days in advance, of actions to modify, reduce or discharge from services. If the parent or parent substitute is unable to read, the information shall also be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances;

3) If the parent or parent substitute appeals the intended action, no provider action shall be implemented before a final administrative decision is made;

4) Timeframes for notice of the intent to appeal and making of a final administrative decision be set; and

5) No one directly involved in the action or decision being complained or appealed and/or who has a conflict of interest with either party be part of the review of that action or decision.

f) If not satisfied with the authorized agency representative's decision on the complaint, the parent or parent substitute shall be informed of his or her right to appeal the decision in accordance with Subpart D of this Part.

g) The child and family shall not be denied services, discharged from

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services or have services reduced for exercising any of their rights while pursuing or after resolution of the complaint. No one shall be penalized for exercising his or her due process.

## Section 121.30 Definitions

For the purpose of this Part, the following terms are defined:

"Accreditation." A process establishing that a program complies with nationally recognized standards of care as set by one of the following:

1997 Hospital Accreditation Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

1997 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services (Council on Accreditation of Services for Families and Children, Inc. (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 1996);

Outcome Based Performance Measures (The Council, 100 West Road, Suite 406, Towson, Maryland 21204, 1993);

Standards Manual and Interpretive Guidelines for Behavioral Health (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996);

Standards Manual and Interpretive Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996);

Education Standards (National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, 15 West 65th Street, New York, New York 10023, 1994).

"Advocacy." The process of speaking for, on behalf of, an individual,

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group, or cause especially when rights or interests are at risk.

"Appellant." The family or agency which requests a hearing.

"Assessment." The ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility under this Part to identify:

The child's strengths and unique needs;

The family's concerns, resources and priorities related to child development;

The nature and extent of early intervention services that are needed by the child and the child's family; and

The adjusted age level of the child's developmental skills.

"Authorized agency representative." A person appointed by the governing body who has responsibility for the provider's administration, including programmatic content and fiscal affairs.

"Center-based program." One in which early intervention service(s) are provided to children and/or families at a site owned or leased by the provider.

"Children and Family Services, Department of (DCFS)." The State agency in Illinois responsible for providing social services to children and their families, to operate children's institutions, and to provide certain other rehabilitative and residential services. [20 ILCS 505].

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Coordinating/advocacy provider." Certified entity in local community area that coordinates early intervention services with other services needed by the family or child up to age 5. This entity provides staff support to the local interagency coordinating council and advocacy services for families of eligible children. This entity is described in Section 6 of the Early Intervention Services System Act [325 ILCS 20/6].

"Day." A working day unless otherwise noted.

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"Deemed status." If a provider has been accredited by an approved accrediting body as identified in the definition of "accreditation" in this Section, the Department shall deem the provider to be in substantial compliance with specific Sections of this Part. Deemed status, however, may be nullified by a finding by the Department that the provider is in substantial non-compliance with one or more of the designated Sections.

"Department." The Department of Human Services.

"Developmental delay." One in which a child is experiencing a delay in one or more of the following areas of childhood development as measured by appropriate diagnostic instruments and standard procedures: cognitive; physical, including vision and hearing; language, speech and communication; psycho-social; or self-help skills. (Section 3 of the Early Intervention Services System Act) [325 ILCS 20/3]

"Developmental disability." Disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by individuals with mental retardation. Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap. (Section 1-106 of the Code [405 ILCS 5/1-106])

"Developmental services." Consists of a wide range of services provided to a child and his or her family which are designed to enhance the child's development and promote his or her maximum level of functioning.

"Early intervention." Consists of a wide range of services (as described in Section 121.100 of this Part) provided for children from birth to 36 months old with a developmental disability, developmental delay or high probability of developmental delay and their families. Early intervention programs are designed to improve child development, minimize potential delays, remediate existing problems, prevent further deterioration, limit the development of additional disabling conditions, and/or promote adaptive family functioning. The goals of early intervention are accomplished by providing developmental and therapeutic services to children and supportive services for their families.

"Early intervention aide." A person who has had training (as specified in Section 121.45(c) of this Part) that enables him or her to work with children and their family members, and provide services as an assistant to and under the supervision of an early intervention

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specialist. This person must have a minimum of one year supervised experience in the field of mental retardation or human services providing direct services.

"Early intervention program." Services as defined in this Part by a provider under a contractual agreement with the Department.

"Early intervention specialist." A person who meets the qualifications of a qualified mental retardation professional (QMRP) as defined in this Section. This person shall have a background in child development and shall be responsible for planning, coordinating and providing early intervention services to children and their families and supervising activities of early intervention aides.

"Evaluation." Process used by appropriate qualified personnel to determine a child's initial and continuing eligibility, including determining the child's status in each of the developmental areas specified in Section 121.90(d)(1) of this Part.

"Family." The parent or parent substitute, as defined by this Section, sister and brother of a child.

"Frequency and duration." Frequency means the number of days or sessions that a service will be provided and duration means the length of time the service is provided during each session.

"Governing body." The policy-making authority of a provider that establishes policies concerning the provider's operation and the welfare of individuals; provides for the provider's administration by appointing an authorized agency representative to implement its policies; and exercises general oversight of the provider's operation, its fiscal affairs and programmatic content to implement the provider's mission.

"Guardian." The court-appointed guardian or conservator of the person under the Probate Act of 1975 [755 ILCS 5] or a temporary custodian or guardian of the person of a child appointed by an Illinois juvenile court or a legally-appointed guardian or custodian or other party granted legal care, custody and control over a minor child by a juvenile court of competent jurisdiction located in another state whose jurisdiction has been extended into Illinois via the child's legally authorized placement according to the applicable interstate compact (the Juvenile Court Act of 1987 [705 ILCS 405]; Interstate Compact on the Placement of Children [45 ILCS 15]).

"Hearing officer." The person appointed by the Secretary to preside at the formal administrative hearing.

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"High probability of developmental delay." A physical or mental condition that meets one of the following:

*A diagnosed medical disorder bearing a relatively well-known expectancy for developmental outcomes within varying ranges of developmental disabilities; or*

*A history of prenatal, perinatal, neonatal or early developmental events suggestive of biological insults to the developing central nervous system and which either singly or collectively increase the probability of developing a disability or delay based on a medical history. (Section 3 of the Early Intervention Services Systems Act [325 ILCS 20/3])*

"Individualized family service plan (IFSP)." Written plan developed by the transdisciplinary or interdisciplinary team. It contains a statement of the child's present levels of cognitive, physical (including vision and hearing), communication (including receptive and expressive language skills), and social or emotional development and adaptive skills based on acceptable objective criteria.

"Interdisciplinary process." The process in which different disciplines perform assessments and implement services in their discipline areas but work from an IFSP jointly developed with the parent or parent substitute.

"Local interagency coordinating council (local ICC)." Advisory body to the early intervention program responsible for local community needs assessments, planning, developing recommendations for local program development, and conflict resolution. The local ICC is composed of parents, representatives from the coordinating/advocacy provider, the regional diagnostic services, local early intervention agencies, and local state agency staff. The local ICC is described in Section 6 of the Early Intervention Services System Act.

"Natural environment." A place where children without disabilities would normally participate in developmentally and age-appropriate activities (includes home, day care, preschool, nursery school and recreation programs).

"Parent or parent substitute." A person acting in the capacity of a parent with respect to a child. The parent substitute shall be:

The legal guardian, if a legal guardian has been determined;

The natural or adoptive parent, if no legal guardian has been determined;

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A person licensed as a foster parent and providing care under the Child Care Act of 1969 [225 ILCS 10];

A surrogate parent appointed by the Illinois State Board of Education; or

Another relative who is 21 years old or older who has a parent-like relationship with the child and who wishes to serve as the parent substitute. This relative shall be considered the parent for purposes of this Part if there is no objection from:

The legal guardian, if a legal guardian has been determined; or

The natural or adoptive parent, if no legal guardian has been determined.

"Physician." A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60].

"Provider." An agency having a contract with the Department for the provision of early intervention services in accordance with this Part.

"Public Aid, Department of (DPA)." The State agency in Illinois responsible for administering the federal Medicaid program and other federal and State public assistance programs.

"Quality assurance." A systematic and objective approach to monitoring and evaluating the appropriateness, adequacy and quality of services in order to identify and resolve problems.

"Qualified mental retardation professional (QMRP)." - A QMRP must have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987;

A registered nurse licensed pursuant to the Illinois Nursing Act of 1987 [225 ILCS 65];

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association (Illinois Occupational Therapy Practice Act [225 ILCS 75]);

A physical therapist certified by the American Physical Therapy Association (Illinois Physical Therapy Act [225 ILCS 90]);

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A physical therapist assistant registered by the American Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association;

An individual with at least a master's degree in psychology from an accredited school (Clinical Psychologist Licensing Act [225 ILCS 15]);

A social worker with a bachelor's degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body (Clinical Social Work and Social Work Practice Act [225 ILCS 20]);

A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech Language Hearing Association or comparable body or who has met the education requirements for licensure and is in the process of accumulating the supervised experience required for licensure (Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]);

A professional recreation staff person with a bachelor's degree in recreation or in a specialty area such as art, dance, music or physical therapy;

A professional dietitian registered by the American Dietetics Association; or

A human services professional with a bachelor's degree in a human services field, including but not limited to, sociology, education, rehabilitation counseling or psychology.

"Respondent." The agency, person or division of the Department that made the decision being appealed.

"Secretary." The Secretary of the Department of Human Services or his or her designee.

"Service facilitation." The activities carried out to assist and enable eligible children and their families to receive the rights, procedural safeguards and services that have been chosen by the family and are authorized to be provided.

"Site." A discrete building that is owned, leased by, or loaned to a provider for the purpose of providing early intervention services.



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"State Board of Education." The State agency responsible for setting policies and guidelines for public and private schools and appointing surrogate parents for children ages 0 to 21 and for acting as the lead State agency on early intervention.

"Third party." Any individual, institution, corporation, public or private agency which is or may be responsible (liable) for paying all or part of the costs of early intervention services provided to a child or family. One example is insurance.

"Transdisciplinary or interdisciplinary team." A group consisting of the parent or parent substitute, staff providing service facilitation, and representatives of disciplines and services necessary to identify the child's and family's needs and to design services and alternatives to meet them. At least one member of the team shall be an early intervention specialist. The process in which the team works together determines if the team is a transdisciplinary or interdisciplinary team.

"Transdisciplinary process." The process in which different disciplines work together with the parent or parent substitute to assess, plan and implement services by participating in mutual sharing of information and decision making. The process ensures the crossing of traditional disciplinary boundaries by role extension, exchange, release and support.

"Transition." A process designed to facilitate the movement from early intervention services or programs to appropriate early childhood programs that serve children 3-5 years of age or to other community service agencies.

"Utilization review." A process by which the provider regularly assesses, on a sample basis, the appropriateness of provider processes and outcomes related to services provided to children and their families.

## SUBPART B: PROVIDER REQUIREMENTS

## Section 121.35 General requirements

- a) Providers contracting with the Department to provide early intervention services under this Part shall comply with the following:
  - 1) The provisions of the Abused and Neglected Children Reporting Act [325 ILCS 5];
  - 2) At a minimum, directly provide screening, social history, assessment, IRSP development, review and modification, service facilitation and developmental services; and
  - 3) Deliver services in center-based, in non-provider site locations,

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and/or in other locations where the children and families served are located. Emphasis shall be placed on providing services whenever possible in natural environments with children with no disabilities.

- b) The Department does not fund early intervention services that are provided in child care institutions, skilled nursing facilities for persons under age 22 or to patients in hospitals. If a child being served by a provider is hospitalized on a short-term basis, the provider may continue to provide early intervention services to the child. The provider also may provide such services to a child in a hospital in order to transition the child from hospital-based services to the community early intervention program.
- c) Providers shall comply with all requirements of the Department's rules at 59 Ill. Adm. Code 103 (Grants).
- d) Providers shall communicate with children, their parents or parent substitutes, and families in a language or a method of communication that they understand, except in extraordinary circumstances.
- e) All center-based programs shall comply with day care center standards set forth by the Department of Children and Family Services at 89 Ill. Adm. Code 407.29(b) for medications.
- f) The provider shall be a member of the local interagency coordinating council (local ICC) and have written agreements with other members of the local ICC. The provider shall develop service agreements with other relevant human service providers in the service area as necessary.
- g) If a child leaves a provider's early intervention program and enters another early intervention program, the former provider shall share the child's IRSP and results of assessments with the new provider, with the consent of the parent or parent substitute.

## Section 121.40 Environmental management

- a) Providers who deliver direct services to the child and/or family in a provider site shall use site(s) meeting accessibility standards as contained in the Illinois Accessibility Code (71 Ill. Adm. Code 400) pursuant to the Environmental Barriers Act [410 ILCS 25] and as set forth in the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 (1996)).
- b) Providers who deliver direct services to the child and/or family in a provider site shall also comply with one of the following:
  - 1) Local code requirements for fire, building and sanitation, health and safety; or
  - 2) School building code requirements for fire, building and sanitation, health and safety; or
  - 3) Fire, building and sanitation, health and safety requirements as follows:
    - A) Fire
      - i) NFPA 10, - Standard for Portable Extinguishers,

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- (National Fire Protection Association, 1984);
- ii) NFPA 220, Standard Types of Building Construction, (National Fire Protection Association, 1985);
- iii) NFPA 255, - Test of Surface Burning Characteristics of Building Materials (National Fire Protection Association, 1984);
- iv) NFPA 258, Measuring Smoke Generated by Solid Material (Construction), (National Fire Protection Association, 1987);
- v) Fire Resistance Index (Underwriters Laboratories, Inc., January 1987);
- vi) Building Material Index (Underwriters Laboratories, Inc., January 1987); and
- vii) The rules of the Office of the State Fire Marshal at 41 Ill. Adm. Code 100.

## B) Building

- i) The Illinois Plumbing License Law [225 ILCS 320];
- ii) NFPA 70 - National Electrical Code (National Fire Protection Association, 1987); and
- iii) The "Uniform" or "National Building Code" as adopted by the local or county ordinance.

## C) Sanitation, health and safety

- i) Develop and maintain written policies and procedures for the provision of housekeeping services at the site(s). Such policies can be part of an existing agency-wide policy process, provided any requirements specific to children are noted.
- ii) Develop and maintain a written external and internal emergency disaster plan, including a fire evacuation plan. Such a plan can be part of an existing agency-wide plan, provided any requirements specific to children are noted.
- iii) Designate space, equipment, and furnishings for the provision of services that shall be conducive to privacy, comfort and safety.
- 4) The Department shall not review for purposes of this Section providers which deliver early intervention services exclusively in locations other than provider sites. Such locations include, but are not limited to, the child's home, licensed home day care centers or other agreed on locations.
- c) All center-based programs shall comply with day care center standards set forth at 89 in Ill. Adm. Code 407.26(g)(2) by the Department of Children and Family Services for minimum square footage requirements.

## Section 121.45 Administrative requirements

- a) Each provider shall establish a mechanism to obtain input from parents of and advocates for children receiving early intervention services

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- from the provider. The provider shall either establish an advisory committee that reports recommendations directly to the governing body or have consumer representatives on the governing body. If the advisory committee is the mechanism used, it shall include parents of and advocates for children receiving early intervention services from the provider.
- b) Each provider shall adhere to current Illinois statutes regarding conflict of interest and adopt a written policy concerning conflict of interest.
  - c) Staff and volunteer training
    - 1) Staff training in principles and practices shall be provided to direct service and professional staff, and shall include but not be limited to, the following area:
      - A) Cardiopulmonary resuscitation (CPR), Heimlich maneuver and first aid;
      - B) Proper handling and positioning of infants and toddlers;
      - C) Concepts on age and cultural appropriateness, normal/abnormal child development, and other developmental services depending on the needs of the child and family served or to be served;
      - D) Safety, fire, and disaster procedures including:
        - i) Use of fire-fighting equipment; and
        - ii) Familiarity with the disaster preparedness plan.
      - E) Responsibilities under the Abused and Neglected Child Reporting Act to report suspected abuse and neglect;
      - F) Prevention, handling and reporting of unusual incidents (e.g., injury of child, parent appearing at site who is under restraining order);
      - G) Individual rights according to Chapter 2 of the Code and maintaining confidentiality according to the Confidentiality Act;
      - H) The nature, structure and monitoring of the IFSP;
      - I) Infection control and sanitation;
      - J) Food preparation and handling for staff who prepare and serve food to children; and
      - K) The type, dosage, characteristics and side effects of medications prescribed for children receiving services.
    - 2) The provider shall ensure that volunteers are trained appropriately prior to their working with children and families. For volunteers working directly with children, training shall include areas discussed in subsections (c)(1)(A),(B),(C),(D) and (E) of this Section and in other subsections as necessary.
  - d) Child and family records
    - 1) The parent or parent substitute shall give informed consent to participate in the services specified in the individualized family service plan, that shall be documented in the child and family's record.
    - 2) The program shall ensure the confidentiality of the child and

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family's records according to the Confidentiality Act and shall ensure safekeeping of all records against theft, loss or destruction. Upon request, families which are currently receiving services shall have access within one day to the child and family's records and three days to obtain a copy. A family that has applied and been denied services shall also have access to the records.

- 3) The program shall maintain a chronological record for each child and family which documents services and supports provided. A complete set of records shall be located at one site, designated by the program, which is accessible and convenient to staff and the parent or parent substitute contributing to the plan.
- 4) Specific information shall be obtained, recorded and updated as necessary. The child and family's record shall be maintained with periodically updated background information to ensure a comprehensive view of the child's development.
- 5) The child and family's record shall contain all prior service and assessment information during the period of service.
- 6) The child and family's financial record shall include the financial status of the child and family at service initiation, with an annual update.

## e) Fiscal and statistical requirements

- 1) A provider shall not charge children and families who are at or below 185 percent of the federal poverty level, after all allowable deductions, for any early intervention services.
- 2) For children and families who are above 185 percent of the federal poverty level, a provider shall comply with the following:

- A) The provider shall establish a sliding fee scale for services based on the parent or parent substitute's ability to pay, after all allowable deductions. Consideration shall also be given to the additional costs normally associated with caring for a child with a disability.
- B) A sliding fee scale shall be established for the following services:
  - i) Developmental services;
  - ii) Occupational therapy;
  - iii) Physical therapy;
  - iv) Psychological services;
  - v) Speech therapy; and
  - vi) Transportation.

- C) The parent or parent substitute may elect to have his or her insurance billed for the cost of services in lieu of paying the fees directly.
- D) Children and families shall not be charged for the following services:
  - i) Screening;
  - ii) Social history;

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- iii) Assessment;
- iv) IFSP development, review and modification; and
- v) Service facilitation.
- E) No one shall be denied services based on an inability to pay.
- F) If the provider accepts the Medicaid reimbursement rate for a service, the provider cannot charge a child or family any additional amount. The Medicaid reimbursement rate for a service is derived pursuant to the Department's rule at 59 Ill. Adm. Code 122.70.

- 3) A provider shall report services rendered under the early intervention program to the Department in the manner required by the Department. These reports shall include the following:
  - A) Each type of service provided to each child or family, including the date of service and the number of units provided.
  - B) The provider shall keep and make available such hard copy records and source documents associated with each submitted service report as necessary to disclose fully the nature and extent of services reported therein.

- f) Unusual incidents
  - 1) The provider shall have written policies and procedures for handling, investigating, reporting, tracking and analyzing unusual incidents through the provider's management structure, up to and including the authorized agency representative. The provider shall ensure that staff demonstrate their knowledge of, and follow such policies and procedures that shall include but are not limited to, the following:
    - A) Sexual assault;
    - B) Abuse or neglect;
    - C) Death;
    - D) Physical injury;
    - E) Assault;
    - F) Missing persons;
    - G) Theft; and
    - H) Criminal conduct.
  - 2) Within 24 hours after an occurrence the agency shall report any incident that is subject to the Criminal Code of 1961 [720 ILCS 5] to the appropriate law enforcement agencies.
  - 3) The provider shall ensure that suspected instances of abuse or neglect against individuals in early intervention programs are reported to the Department of Children and Family Services according to the requirements of the Abused and Neglected Child Reporting Act [325 ILCS 5].

## Section 121.50 Personnel requirements

- a) Early intervention providers shall employ an early intervention



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program administrator whose minimum level of education or experience includes an undergraduate degree in child development, special education, or a related human service field with two or more years experience working with children with a developmental disability or children from birth to 5 years old.

b) The provider shall employ early intervention specialties and may employ early intervention aides. The provider shall ensure staff/child ratios do not exceed 1:4 for all group activities for children who are eligible and are served in the early intervention program (excluding siblings).

c) The provider shall employ, have a written contractual agreement with, or have a referral process in place so that a child may have access to the following professionals (whose qualifications shall meet State and federal guidelines) for purposes of assessment, planning and/or direct service;

- 1) Physician;
- 2) Registered nurse;
- 3) Social worker;
- 4) Psychologist;
- 5) Physical therapist;
- 6) Occupational therapist;
- 7) Speech-language pathologist;
- 8) Audiologist;
- 9) Vision specialist (ophthalmologist);
- 10) Early childhood education teacher/child development specialist; and
- 11) Nutritionist/dietitian.

**Section 121.55 Recordkeeping**

a) The individual records required to be maintained must be kept for a period of not less than five years from the date of service, except that if an audit is initiated within the required retention period the records must be retained until the audit is completed and every exception resolved. This provision is not to be construed as a statute of limitations.

b) The compilation and storage of and access to child and family records shall be governed by written policies and procedures, according to the Confidentiality Act, that shall specify:

- 1) Access to child and family records shall be limited to persons authorized by the Confidentiality Act, including the family;
- 2) All entries in the child and family record shall be current, legible, dated and signed by the author;
- 3) Facilities for the handling, processing and storage of child and family records shall be secured from theft, loss, or fire and access limited to personnel authorized by the provider; and
- 4) Child and family data maintained on magnetic tapes, computer files, or other automated information systems shall be secure

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from theft, loss, or fire.

c) The child and family's clinical record shall contain, but is not limited to, the following:

- 1) Identifying information including name, Medicaid recipient identification number, address and telephone number, sex, date of birth, primary language or method of communication, emergency contact or parent or parent substitute, date of initial contact and initiation of early intervention services, third party coverage and source of referral;
- 2) Documentation of consent for early intervention services;
- 3) Assessment and reassessment reports;
- 4) A current individualized family services plan (IFSP), progress notes and reviews, and documentation of the relationship of the service(s) to the IFSP goal and child and family progress.
- 5) Documentation of known child and family movement (referral/transfer) during any active service period to or from the provider's programs or to or from other providers;

d) Hard copy and source documentation to support each service rendered that includes:

- 1) The specific service(s) rendered;
  - 2) The date the service(s) were rendered; and
  - 3) Who rendered the service(s).
- e) Periodic reviews describing the child's overall progress;
- f) Rationale for provision of services beyond utilization guidelines specified in Section 121.1 Appendix A;
- g) A record of complaints filed by the family, including the nature of the complaint, date of complaint, and a statement regarding the resolution of the complaint;
- h) A record of the child's major accidents or incidents that occur at the site with regard to a specific child resulting in an adverse change in the child's physical and/or mental functioning; and
- i) Discharge summary documenting the outcome of interventions and, as necessary, the linkages for continued services.

**Section 121.60 Program evaluation**

The provider must document that it has and uses a program evaluation system for the purpose of determining the degree to which a program is meeting its goals and objectives.

- a) This system shall monitor quantitative characteristics such as caseload information and qualitative characteristics such as family satisfaction with services and the family's perspectives regarding service strengths and needs.
- b) The evaluation system shall include mechanisms for producing evaluation reports for internal use that describes the outcome of monitoring activities.
- c) These reports shall serve to interpret and summarize data into useful information and to provide recommendations for remedial action when



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necessary.

- d) The program evaluation system can be part of an existing agency-wide system, provided it is applied to the early intervention program.

**Section 121.65 Utilization review**

- a) There shall be a written utilization review plan and ongoing activities designed to assess the appropriateness of the admission to early intervention services, intensity/level of services, and continued services. The written utilization review plan shall address:

- 1) The methods and procedures for performing and recording individual case reviews;
- 2) The review protocol to be used;
- 3) The authority and functions of the staff designated to do the individual case review. The designated staff may be:
  - A) A committee that is representative of the staff providing the services. The committee must include at least one early intervention specialist and may include early intervention aids; or
  - B) An early intervention specialist.

- 4) Procedures describing the method for selecting cases for quarterly case review and the procedures for reviewing at least 10 percent of the children and families served under this Part annually;

- 5) Procedures to ensure that the review includes and summarizes the child's progress over the previous 90 calendar days;

- 6) Policies and procedures for documenting and reporting individual case review findings, determinations and recommendations to the supervising early intervention specialist and, if applicable, the reporting department;

- 7) Procedures for appeal by families and staff affected by the utilization review decisions with which they disagree;

- 8) Provisions for ensuring confidentiality of individual case reviews, determinations, results, and/or recommendations according to the Confidentiality Act;

- 9) Procedures for following up on case review recommendations; and
- 10) Procedures to ensure that the final written approval and authorization for continuing treatment beyond established service utilization parameters is provided only by the signature of the reviewing early intervention specialist.

- b) In no instance shall staff performing utilization reviews be allowed to conduct such reviews on individuals who are in their own caseload.

**Section 121.66 Accreditation**

- a) Providers demonstrating current accreditation status under any of the standards of the accrediting organizations identified in the

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definition of "accreditation" in Section 121.30 of this Part shall be granted deemed status for the following Sections of this Part:

- 1) Section 121.20;
- 2) Section 121.35(d) and (g);
- 3) Section 121.45(a) through (d);
- 4) Section 121.55(a) through (c), (e), (g) and (i);
- 5) Section 121.60;
- 6) Section 121.65(a)(1) and (2), (5) through (7) and (9);
- 7) Section 121.70;
- 8) Section 121.75;
- 9) Section 121.80;
- 10) Section 121.90;
- 11) Section 121.95;
- 12) Section 121.105(b), (e) through (g); and
- 13) Section 121.115.

- b) Demonstration of current accreditation status shall be achieved by submission of a certificate of accreditation and the most recent accreditation report by the provider to the Department.

- c) If the provider's accreditation status changes for any reason, the provider shall notify the Department of that change within 30 days after the effective date of the change.

## SUBPART C: OPERATIONAL PROCEDURE AND SERVICES

**Section 121.70 Timeframe for completion of process**

When capacity is available in the program as described in Section 121.75(e), a provider shall complete the process outlined in Sections 121.75, 121.80, 121.85 and 121.90 for the minimum services specified in Section 121.35(a)(3) within 45 days after the date of the referral for early intervention services or after the date of notification to the parent or parent substitute of the availability of capacity.

**Section 121.75 Screening and social history**

- a) Providers shall establish a written system of screening that incorporates the use of formal and informal methods to determine the child's need for further assessment. This process shall include at least the following:

- 1) Screening with a reliable tool for children that is appropriate based on age and disability;
- 2) Review of pertinent information available at the time of screening;
- 3) Interview with the parent or parent substitute, and when possible, with other family member(s); and
- 4) Observation of the child.

- b) If a child is referred by a physician who has diagnosed the child as having a developmental disability, developmental delay or high

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probability of developmental delay, a screening is not necessary. The provider shall proceed with the social history process for the child as specified in subsection (f) of this Section.

- c) If the screening indicates that the child does not need further assessment, the provider shall inform the parent or parent substitute at the time of screening. The provider shall also inform the parent or parent substitute that this finding does not preclude the child from being screened again in the future.

- d) If the screening indicates that the child needs further assessment and there is no space available in the program, the provider shall inform the parent or parent substitute at the time of screening. A letter shall be sent to the parent or parent substitute and shall include a statement that as vacancies in the program become available the provider will contact the parent or parent substitute in order to schedule assessment. The letter shall also provide a listing of other early intervention providers in the geographic area and their addresses.

- e) If the screening determines that the child needs further assessment and there is space available in the program, the provider shall proceed with the social history process for the child as specified in subsection (f) of this Section.

- f) The social history process shall consist of:

- 1) Intake components, including but not limited to the following:
  - A) Identification data (child's name, date of birth, sex, race, legal residence, parent or parent substitute's name, child's social security number and residence);
  - B) Medical records and relevant information from other agencies where the child received services;
  - C) Orientation procedures for the parent or parent substitute, including an explanation of all rights specified in Section 121.25 and of the IFSP process. The procedures shall use the language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances;
  - D) Reason for referral (if applicable);
  - E) Source of referral (if applicable);
  - F) Medical diagnosis (when available);
  - G) Parent or parent substitute's concerns; and
  - H) Information on income and possible sources of payment for services, including Medicaid and/or insurance.
- 2) Social history document, including but not limited to the following:
  - A) Personal and family history;
  - B) Present level of the child's functioning in the family, living situation; and
  - C) The need for social services to meet the needs of the child and family.

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## Section 121.80 Assessment

- a) After completion of the social history process specified in Section 121.75(f), an assessment of each child shall be conducted by personnel trained to use appropriate methods and procedures. Local community providers shall use a transdisciplinary or interdisciplinary team approach to conduct and/or obtain an assessment of the developmental appropriateness through reviewing pertinent records related to the child's current health status. Assessments shall be performed to determine the child's functioning in the areas specified in Section 121.100(a). Assessments shall be administered by the appropriate professionals. If an assessment being used is not described in the Supplement to the Tenth Mental Measurements Yearbook (Jane Close Conoley and Jack J. Kramer, ed., University of Nebraska Press, 1990) or previous editions of this publication, the provider must assure the assessment is standardized, valid and reliable.

- b) Responsibility for the assessment shall be assumed by an early intervention specialist who has had, at a minimum, one face-to-face contact with the child and his or her parent or parent substitute during which the parent or parent substitute was given the opportunity to provide pertinent information.

- c) Assessments shall be performed for the child at least annually, and more often if determined necessary by the transdisciplinary or interdisciplinary team as a result of the child's changing needs.

## Section 121.85 Eligibility, notice requirements and time frames for compliance

- a) Families of children aged birth to 36 months old with a developmental disability, developmental delay or high probability of developmental delay may apply for Early Intervention services at a local early intervention provider funded through the Department.

- b) Providers must use one of the following eligibility criteria to categorize the child's developmental condition:

- 1) Developmental disability as defined in Section 121.30.
- 2) Developmental delay as defined in Section 121.30.
- 3) High probability of developmental delay as defined in Section 121.30.

- c) If the child is determined eligible for services, the provider shall provide written notification to the parent or parent substitute and shall contact the parent or parent substitute to determine a time to develop the IFSP. If the parent or parent substitute is unable to read, the information shall be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances. The child's service eligibility will be based on the child meeting either subsection (b)(1), (2) or (3) of this Section and adequate capacity to provide services.

- d) If the child is determined ineligible for services, a letter shall be

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sent to the parent or parent substitute stating the reason(s) the child is ineligible for services. The letter shall also include the name of the person to contact or the process to begin the appeal process. The appeal of service denial may be made as described in Subpart D of this Part. If the parent or parent substitute is unable to read, the information shall be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances.

e) The following are the timeframes for complying with eligibility and age requirements for children served under this Part:

- 1) Any child admitted to an early intervention program on or after the effective date of this Part must meet the eligibility criteria set forth in subsections (a) and (b) of this Section.
- 2) A child in an early intervention program on the effective date of this Part who does not meet the eligibility criteria set forth in subsection (b) of this Section may continue to receive early intervention services until the child is 36 months old.
- 3) A child in an early intervention program on the effective date of this Part who is age 36 months or older may continue to receive early intervention services until the child is transitioned to education or other community services according to Section 121.115.

#### Section 121.90 Individualized family service plan (IFSP) development and modification

- a) An initial IFSP shall be developed by the transdisciplinary or interdisciplinary team. The IFSP shall be based on: family concerns, resources, and priorities; and the assessment results.
- b) The IFSP shall be developed jointly by the child's parent or parent substitute and other members of the transdisciplinary or interdisciplinary team. The IFSP shall be signed and dated by the parent or parent substitute and the early intervention specialist involved in the formulation of the IFSP. A copy of the signed and dated IFSP shall be given to the child's parent or parent substitute and incorporated into the child's clinical record. If the parent or parent substitute is unable to read, the IFSP shall be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances.
- c) The IFSP meetings shall be conducted in settings and at times that are convenient to the parent or parent substitute.
- d) The IFSP shall include a child and family component that shall provide the following:
  - 1) A statement of the child's present levels of cognitive, physical (including vision and hearing), communication (including receptive and expressive language skills) and social and emotional development and adaptive skills based on acceptable

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- objective criteria:
- 2) Any need for further assessment;
  - 3) Statement of outcomes expected for both the child and family;
  - 4) Statement of specific early intervention services, service location, frequency and duration appropriate to enhance the development of the child and the capacity of the family to meet the special needs of the child and meet the resource needs of the family;
  - 5) Statement of other services (non-early intervention) needed by the child or family and provision for referral to these services;
  - 6) Identification and coordination of other resources in the community that are needed to meet the program goals and objectives of the IFSP;
  - 7) A description of the parent or parent substitute's role in the intervention process, the parent or parent substitute's expectations for the child and the concerns, resources and priorities of the family related to the development of the child;
  - 8) Intervention dates including starting dates, expected duration, criteria for completion and completion dates;
  - 9) Service dates, including referral, assessment and enrollment dates;
  - 10) Provisions for an update of the child's plan for services, goals and progress toward goals at least every six months;
  - 11) The name(s) of the staff providing service facilitation for implementation of the plan and coordination with other agencies and persons;
  - 12) The steps to be taken supporting the transition of the child over 30 months old to educational services and other available appropriate services.
- e) Responsibility for coordinating development of the IFSP shall be assumed by an early intervention specialist as documented by his or her signature on the IFSP.
- f) If a parent or parent substitute does not agree with any portion of the IFSP, including any recommendations to modify or reduce services, only those portions that the parent or parent substitute agrees with shall be implemented until a resolution can be reached. The transdisciplinary or interdisciplinary team shall meet again to discuss the areas of disagreement. If the parent or parent substitute wishes, he or she can request a different person within the agency to provide service facilitation. The parent or parent substitute can also contact the local coordinating advocacy provider or Department grant-funded case coordination to request assistance in resolving the disagreement.
- g) If multiple providers are involved in providing services, the following shall be required:
- 1) One IFSP shall be developed by a team of persons, including the parent or parent substitute, who are responsible for providing the respective services; and



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- 2) Results of assessments of a child shall be shared across providers, with the consent of the parent or parent substitute.
- h) At least on an annual basis, the IFSP shall be reevaluated jointly by the parent or parent substitute and other members of the transdisciplinary or interdisciplinary team to determine whether additional assessments or modifications are necessary.

**Section 121.95 Transdisciplinary or interdisciplinary team**

- a) The provider shall assure that each child and family has a single transdisciplinary or interdisciplinary team which shall be responsible for preparing, revising, documenting and implementing the IFSP in accordance with Section 121.90.
- b) The transdisciplinary or interdisciplinary team shall consist of:
- 1) The parent or parent substitute, who shall be encouraged to assume as much leadership in designing the plan as he or she wishes;
  - 2) The staff providing service facilitation who has been agreed on by the family;
  - 3) The persons who work most directly with the child and family both at the program and at the child and family's home; and
  - 4) The professionals who assess the child's strengths and needs and the family's concerns, resources and priorities related to the child's development, and design and evaluate the child and family's IFSP.
- c) At least one member of the transdisciplinary or interdisciplinary team shall be an early intervention specialist who shall provide those services specified in Section 121.100 and shall be responsible for convening the interdisciplinary or interdisciplinary team.

**Section 121.100 Early intervention services**

- a) Assessment
- 1) Description
 

An assessment of the child to determine if, and to what extent, the child has a developmental disability, developmental delay or high probability of developmental delay through evaluation of present level of development and needs, impediments to further development and cause of disability; and recognition of services needed to enable the child to develop to the maximum level of independent functioning. The assessment package will include, at a minimum, the assessment and written report of the following:

    - A) Cognitive functioning;
    - B) Legal status;
    - C) Developmental status;
    - D) Functional limitations (vision, speech, hearing, seizures, health medications, and mobility);
    - E) Adaptive behavior (motor skills, social or emotional skills,

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communication, receptive and expressive language skills, personal living skills, and community living skills);

- F) Social and leisure activity;
- G) The need for psychological services, physical therapy, occupational therapy, speech therapy, developmental services, and hearing and vision services to meet the needs of the child and family;

H) Physical development; and

I) Unique needs.

- 2) Minimum level of provider: Early intervention specialist

b) Developmental services

1) Description

Developmental services shall be designed to create or incorporate learning environments and activities that promote the child's maximum functioning in a variety of developmental areas, including cognitive processes and communication skills. Services provided to families will include the provision of: parent education and training identified as needed in the IFSP; and direct child intervention in all areas to promote growth and build skills in all activities to enhance the child's development.

- 2) Minimum level of provider: Early intervention specialist or early intervention aide

c) Individualized family service plan (IFSP)

1) Description

The IFSP shall be developed and monitored in accordance with Section 121.90 and shall:

- A) Describe the early intervention service needs of the child and family;

B) Describe the early intervention services to be provided;

C) Contain a statement related to the goals, objectives, and expected outcome(s) for both the child and family from the early intervention service(s) to be provided;

D) Indicate the person responsible for coordinating development and carrying out the IFSP; and

E) Indicate the person providing service facilitation.

- 2) Minimum level of provider: Early intervention specialist

d) Occupational therapy

1) Description

This service consists of an evaluation and services to address the functional needs of a child related to the performance of adaptive behavior and play, and sensory, motor, and postural development. These services are designed to improve the child's functional ability to perform tasks at home and include:

A) Identification, assessment and intervention;

B) Adaptation of the environment, and selection, design and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional



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skills;

C) Prevention or minimization of the impact of initial or future impairment, delay in development, or loss of functional ability.

D) Consultation with the family related to the needs of the child.

2) Minimum level of provider: An occupational therapist, or occupational therapist assistant under the supervision of an occupational therapist, who shall be licensed pursuant to, and provide services allowed under, the Illinois Occupational Therapy Practice Act.

## e) Physical therapy

## 1) Description

This service consists of the following:

A) Administration, interpretation and evaluation of tests and measurements of bodily functions and structures;

B) The planning, evaluation and modification of treatment and instruction, including the use of physical measures, activities, and devices, for preventive and therapeutic purposes; and

C) The provision of consultative and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction and related functional problems. (Taken from the definition of physical therapy adopted by the American Physical Therapy Association, March 1986)

2) Minimum level of provider: A physical therapist, or physical therapist assistant under the supervision of a physical therapist, who shall be licensed pursuant to and provide services allowed under the Illinois Physical Therapy Act.

## f) Psychological services

## 1) Description

Psychological services consists of intelligence testing, diagnosis, counseling for the child and/or family, evaluation, consultation, therapy, program development, assistance with transition, and training of staff in such areas as child development and family dynamics.

2) Minimum level of provider: All services except for therapy must be provided by an individual with experience working with children from birth to five years old who is either licensed pursuant to the Clinical Psychologist Licensing Act or is a certified school psychologist (Section 14-1.09 of the School Code [105 ILCS 5/141.09]). Therapy must be provided by an individual with experience working with children from birth to five years old who is licensed pursuant to the Clinical Psychologist Licensing Act.

## g) Screening services

## 1) Description

A systematic screening process that includes the use of formal

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and informal methods to determine the child's eligibility for services or the need for further assessment. These methods shall include the following:

A) Screening with a reliable tool for children that is appropriate to the age and disability of the child as specified in Section 121.75(a)(1);

B) Review of pertinent information available at the time of screening;

C) Interviews with the parent or parent substitute, and when possible, with other family member(s); and

D) Observation of the child.

2) Minimum level of provider: Early intervention specialist

## h) Service facilitation

## 1) Description

Service facilitation ensures accessibility, availability, continuity of care, accountability, and comprehensiveness of services to maximize the potential of families and children with a developmental disability, developmental delay or high probability of developmental delay. These services include:

A) Linkage to, coordination of and referral to needed social, medical, support, family counseling and training, and other services as identified in the IFSP;

B) Monitoring to ensure the delivery of appropriate services to the child and family;

C) Advocacy to assist the child in obtaining all services to which he or she is entitled;

D) Assisting the parent or parent substitute in applying for Medicaid (42 U.S.C.A. 1396 (1996)), Supplemental Security Income (42 U.S.C.A. 1381 (1996)) and other benefits as appropriate; and

E) Assisting with the procurement of a transportation provider and scheduling and arranging transportation to and from the source of services.

2) Minimum level of provider: Early intervention specialist or early intervention aide

## i) Social history

## 1) Description:

A document that summarizes background information on the child and family. The social history shall include, at a minimum, the following:

A) Personal and family history;

B) Present level of the child's functioning in the family, living situation;

C) The need for social services to meet the needs of the child and family; and

D) The intake process described in Section 121.75 (f)(1).

2) Minimum level of provider: Early intervention specialist or early intervention aide

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## j) Speech therapy

- 1) Description  
Speech therapy consists of an evaluation, direct family counseling, consultation with appropriate professionals for speech improvement and speech education activities, use of augmented communication systems, oral motor skill development, and collaboration with appropriate professionals to develop specialized programs for developing skills of children in receptive (for example, speech, auditory training, and hearing aid utilization) as well as expressive (for example, improvement in articulation, voice, rhythm, and language) communication.
- 2) Minimum level of provider: Must either be licensed under the Illinois Speech-Language Pathology and Audiology Practice Act or be certified by the State Board of Education (Section 21-1 of the School Code [105 ILCS 5/21-1]) to provide the above services.

## k) Transportation

Transportation services are provided to and from the source of services, using the least expensive means adequate to meet the needs of the individual. Transportation services may include assistance with public transportation, taxi cab assistance and payment, and other means of transportation.

**Section 121.105 Discharge**

## a) Discharge may occur when:

- 1) The parent or parent substitute has notified the provider that he or she wishes the child to stop participating in the program;
  - 2) The child has moved out of the provider's service area;
  - 3) The child has moved and cannot be located;
  - 4) The child has attained exit criteria in accordance with Section 121.110;
  - 5) The child has died.
- b) The provider shall comply with requirements specified in Sections 121.155 and 121.115.
- c) Lack of capacity in the early intervention program shall not be a reason to discharge a child.
- d) On discharge, the provider shall document in the child's record the date and reason for the discharge.
- e) Prior to discharge pursuant to subsection (a)(4) of this Section, the transdisciplinary or interdisciplinary team shall meet to discuss the possibility of discharge. If the parent or parent substitute does not agree that the child no longer meets the criteria for developmental delay, or if the transition process has not occurred in accordance with Section 121.115, the parent or parent substitute shall be informed of his or her right to appeal the provider's decision to discharge in accordance with Section 121.25(e) and Subpart D of this Part. If the parent or parent substitute is unable to read, the information shall also be read and explained in a language or method

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of communication that the parent or parent substitute understands, except in extraordinary circumstances.

- f) The provider shall not discharge a child from the early intervention program without at least a 10 calendar day notice to the parent or parent substitute.
- g) Discharge from a program does not prevent a parent or parent substitute from reapplying for early intervention services unless the discharge is due to the reasons specified in subsection (a)(4) and (5) of this Section.

**Section 121.110 Exit criteria**

Providers shall discharge the child from participating in Department-funded early intervention services as described in this Part on the child's third chronological birthday or if the child no longer meets the criteria for a developmental delay.

**Section 121.115 Transition process**

- a) The provider shall have a systematic process in place to transition children served in its early intervention program to other services, regardless of whether such services are to be provided by the local educational agency or by other community service agencies. The process established for transitioning the child to education or other community services shall commence no later than 30 months of age. Subsections (b) and (c) of this Section apply if the child is transitioning to educational services. Subsection (c) of this Section applies if the child is transitioning to other community services.
- b) The transition process shall be written for each child and shall include at a minimum the following activities:
  - 1) A meeting with the child's parent or parent substitute to explain the transition process and the steps outlined below.
  - 2) An interagency staffing conducted prior to discharge, with, at a minimum, participation of the child's parent or parent substitute and early intervention staff. The local educational agency (LEA) shall be asked to participate. However, the staffing shall not be delayed if efforts to access the LEA's participation are unsuccessful.
  - 3) A written discharge report including the child's strengths and needs, environments in which learning occurs, current goals and objectives, and an overall progress summary from the early intervention program with recommendations for future programming. It shall also specify the following:
    - A) Any findings based on a standardized, valid and reliable assessment tool; and
    - B) Those services recommended for the child by the local educational agency.
  - 4) Written notification to the parent or parent substitute of his or

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her rights, under Part B of the Individuals with Disabilities Education Act prior to discharge.

- 5) Training for the parent or parent substitute in how to advocate for his or her child.
- 6) Referral to the local coordinating/advocacy provider or other advocacy agency, including Department grant-funded case coordination.
- c) The provider shall ensure the continuity and coordination of services as provided in the child's IFSP. The provider shall:
  - 1) communicate relevant treatment and service information prior to or at the time that the child is transferred to a receiving program of the provider, or is discharged from service and referred to a program operated by another service provider, if the parent or parent substitute provides written authorization; and
  - 2) Document in the child's record the referrals to other human service providers and follow-up efforts to link the child to services.
- d) If the parent or parent substitute does not wish for the child to be transitioned to education or other community services, the provider shall document that in the child and family's record.

## SUBPART D: HEARINGS AND APPEALS

**Section 121.120 Representation**

An appellant may be represented during the hearing and appeals process by the person of his or her choice, including an attorney. The appellant may also represent himself or herself. The appellant shall not be charged for initiating the hearings and appeals process. If the appellant chooses to be represented by an attorney, the Department shall not pay the costs incurred for such representation.

**Section 121.125 Notice**

- a) On receiving a request to appeal a provider's decision to deny, modify, reduce or discharge from services, the Department shall send the appellant a notice that shall contain:
  - 1) A statement of the right to a hearing;
  - 2) A statement that if the parent or parent substitute desires a hearing, he or she must request a hearing in writing within 10 days after the date of receipt of the notice.
  - 3) The address where the request should be sent.
- b) The notice of a hearing shall contain:
  - 1) A statement of the nature of the hearing;
  - 2) A statement of the time and place of the hearing or if a pre-hearing conference is scheduled by the Department, the time and place of the conference;

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- 3) A reference to the particular Sections of this Part involved.
- c) All notices under this Section shall be served either personally or by certified mail on the appellant or his or her agent authorized to receive service of process. The notice shall be in the language that the appellant understands, except in extraordinary circumstances. If it is known that the appellant cannot read, then the notice shall be explained to the appellant verbally.

**Section 121.130 Pre-hearing conference**

- a) A pre-hearing conference may be scheduled by the Department's Hearing and Appeals Unit at its discretion or at the request of the appellant pursuant to subsection (b) of this Section. This conference shall be held prior to the hearing and shall be for the purpose of considering:
  - 1) The clarification of the issues;
  - 2) The possibility of obtaining admissions of fact and documents that would avoid unnecessary proof or testimony;
  - 3) The possibility of a resolution of the case without a hearing; and
  - 4) Any other matters that may aid in the disposition of the appeal.
- b) In any proceeding under this Part in which the Department's Hearing and Appeals Unit has not scheduled a pre-hearing conference, the appellant or the Department may request the scheduling of a pre-hearing conference. Such request shall be made in writing and received by the hearing officer at least 72 hours prior to the scheduled date of the hearing. On receipt of the request, the Department's Hearing and Appeals Unit shall schedule a hearing and notify appellant and respondent of the date, time and place of the conference.
- c) If the pre-hearing conference results in a resolution of the appeal by agreement of the parties, the appellant shall sign a statement withdrawing the appeal.

**Section 121.135 Conduct of hearings**

For appeals initiated by an appellant concerning services, the following procedures apply:

- a) The recipient, parents, or guardian may appeal the provider's decision to deny, modify, reduce or discharge from services.
- b) The hearing shall be conducted by an impartial hearing officer appointed by the Department of Public Aid (DPA).
- c) DPA's hearing rules for assistance appeals, as set forth at 89 Ill. Adm. Code 104 shall apply, except that Sections 121.120, 121.125 and 121.130 of this Part shall apply rather than any similar DPA rule.
- d) The appeal shall be filed with, and received by, the Department's Hearing and Appeals Unit, 401 Stratton Building, Springfield IL 62765 within 10 days after the date of the decision.
- e) The Department shall send a copy of the appeals to the DPA Assistance

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- Hearings Section, 624 South Michigan Avenue, Chicago IL 60605-1906 within five calendar days after receiving the appeal.
- f) The hearing shall be held at the DPA office nearest the appellant's home unless the appellant, the Department's Hearing and Appeals Unit, and the DPA Assistance Hearings Section agree to hold it elsewhere.
- g) The receipt of the request for an appeal shall stay the Department's decision pending the final administrative decision or the termination of the appeal. If the decision being appealed is suspension, termination or reduction of services, services shall not be suspended, terminated or reduced until the appeal is resolved.
- h) Following the hearing, the Secretary of the Department of Public Aid shall issue a final administrative decision in accordance with DPA rule at 89 Ill. Adm. Code 104.70. Copies of the decision shall be sent to the appellant, the appellant's representative, if any, and to the Supervisor of the Department's Hearing and Appeals Unit.

Section 121.140 Hearing officer's decision

Within 10 days after the hearing, the hearing officer shall issue his or her written decision, unless he or she has requested briefs from the parties. In no event shall the decision be issued more than 30 days after the Department received the request for a hearing. The decision shall contain findings of facts, conclusions and the method of appealing the decision. Copies of the decision shall be mailed to both parties.

Section 121.145 Appeal to the Secretary

- a) Either party may request a review of the hearing officer's decision by the Secretary or his or her designee no more than 20 days after the receipt of the decision.
- b) Upon receipt of the request for review, the Secretary or his or her designee shall review the hearing officer's decision and copies of all documents considered at the hearing. Within 15 days of receipt of the request for review, the Secretary or his or her designee shall issue a written decision upholding or reversing the hearing officer's decision. The Secretary or his or her designee shall uphold the decision if he or she determines that the hearing decision is supported by substantial evidence. Copies of the decision shall be sent to both parties and the hearing officer.
- c) The Secretary or designee's decision shall constitute a final administrative decision.
- d) Final administrative decisions shall be subject to judicial review exclusively as provided in the Administrative Review Law [735 ILCS 5/Art. III].

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Section 121.APPENDIX A Utilization Guidelines

		PER CHILD AND FAMILY	
SERVICE	MINIMUM REPORTABLE UNIT	GUIDELINE FOR DAY+	GUIDELINE FOR YEAR+
Assessment	15 min.	2 hours	12 hours
Developmental services	30 min.	4 hours	200 hours
Individualized family services plan (IFSP)	15 min.	4 hours	16 hours
Occupational therapy	15 min.		
*Provision of services	No time limit		
*Evaluation			
Physical therapy	15 min.		
*Provision of services	No time limit		
*Evaluation			
Psychological services/evaluation	15 min.	4 hours	50 hours
Provision of services			
Screening services			
*Screening instrument	No time limit		
Other screening services	15 min.	2 hours	6 hours
Service facilitation	15 min.	4 hours	28 hours
Social history	15 min.	2 hours	4 hours
Speech therapy	15 min.		
*Provision of services	No time limit		
*Evaluation			
*Transportation			
		Least expensive means adequate to meet the needs of the individual.	
+	These amounts are guidelines. A child and family may exceed these amounts if additional time is determined to be necessary per the IFSP process.		
*	These services shall be billed directly to DPA for Medicaid-eligible individuals.		



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- 1) Heading of the Part: Early Intervention Program

- 2) Code Citation: 89 Ill. Adm. Code 500

- 3) Section Numbers: Proposed Action:

500.10	New
500.15	New
500.20	New
500.25	New
500.30	New
500.35	New
500.40	New
500.45	New
500.50	New
500.55	New
500.60	New
500.65	New
500.70	New
500.75	New
500.80	New
500.85	New
500.90	New
500.95	New
500.100	New
500.105	New
500.110	New
500.115	New
500.120	New
500.125	New
500.130	New
500.135	New
500.140	New
500.145	New
500.150	New
500.155	New
500.160	New
500.165	New
500.170	New
APPENDIX A	New

- 4) Statutory Authority: Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997).

- 5) A Complete Description of the Subjects and Issues involved: This rulemaking implements the State Early Intervention Program and the Infants and Toddlers with Disabilities Program under Part C of IDEA. The rule

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describes the Statewide early intervention delivery system and implementation of system components as required in 20 USC 1435. This rulemaking describes State interagency coordination, the Statewide intake system, available services and delivery thereof, provider enrollment, funding mechanisms, appeal processes and safeguards, and Department monitoring procedures.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Building  
Springfield IL 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Contractors who provide early intervention services.

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: It was included on the January 1999 agenda.

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The full text of the proposed rule begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

## PART 500

## EARLY INTERVENTION PROGRAM

## SUBPART A: GENERAL PROVISIONS

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Purpose  
Incorporation by Reference  
Definitions

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Public Awareness and Child Find  
Central Directory  
Local Interagency Councils  
Illinois Interagency Council on Early Intervention  
Regional Intake Entities  
Eligibility  
Early Intervention Services/Devices  
Provider Qualifications and Enrollment  
Monitoring

## SUBPART C: SERVICE DELIVERY REQUIREMENTS

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Intake  
Eligibility Determination  
Individualized Family Service Plan Development  
Individualized Family Service Plan Implementation  
Individualized Family Service Plan Updating  
Case Transfer  
Transition to Part B or Other Appropriate Services at Age Three  
Case Closure  
Recordkeeping  
Service Provider Requirements

## SUBPART D: FINANCIAL MATTERS

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Billing Procedures  
Payor of Last Resort  
Family Fee/Insurance

## SUBPART E: PROCEDURAL SAFEGUARDS/CLIENT RIGHTS

500.135

Minimum Procedural Safeguards

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## 500.140 Administrative Resolution of Complaints By Parents

500.145 Mediation

500.150 Confidentiality/Privacy

500.155 Right to Consent

500.160 Surrogate Parents

500.165 Written Prior Notice

500.170 State Complaint Procedure

## APPENDIX A Sliding Fee Schedule

**AUTHORITY:** Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997).

**SOURCE:** Adopted at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_,

## SUBPART A: GENERAL PROVISIONS

**Section 500.10 Purpose**

The requirements contained in this Part are to define implementation of the Early Intervention Services System Act [325 ILCS 20] (hereafter "Act"), and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997). The requirements describe the statewide early intervention service program for children, birth to 36 months old, who have disabilities due to developmental delay, have an eligible mental or physical condition that typically results in developmental delay, or have been determined through informed clinical judgment to be at risk of substantial developmental delay as set forth in this Part.

**Section 500.15 Incorporation by Reference**

Any rules or standards of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

**Section 500.20 Definitions**

"Act" means the Early Intervention Services System Act [325 ILCS 20].

"Child find" means an activity that identifies potentially eligible infants and toddlers.

"Council" or "IICEI" means the Illinois Interagency Council on Early Intervention established under Section 4 of the Early Intervention Services System Act.

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"Department" means the Illinois Department of Human Services.

"Early intervention services" or "EI services" means services that:

are designed to meet the developmental needs of each child eligible under the Act and the needs of his or her family;

are selected in collaboration with the child's family;

are provided under public supervision;

are provided at no cost except where a schedule of sliding scale fees or other system of payments by families has been adopted in accordance with State and federal law;

are designed to meet an infant's or toddler's developmental needs in any of the following areas:

cognitive development;

physical development, including vision and hearing;

language, speech and communication development;

social-emotional development; or

adaptive self-help skills development;

meet the standards of the State, including the requirements of the Act;

include one or more of the services set forth in Section 500.55;

are provided by qualified personnel, as set forth in Section 500.60;

are provided in conformity with an Individualized Family Service Plan;

are provided throughout the year; and

are provided to the maximum extent appropriate in natural environments, including the home and community settings that are natural or normal for the child's age peers who have no disability.

"Early Intervention Services System" or "System" means the system of service delivery described in this Part that implements Part C of IDEA

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in Illinois and the Illinois Early Intervention Services System Act.

"Eligible children" or "eligible child" means infants and toddlers under 36 months of age with any of the following conditions:

Developmental delay;

A physical or mental condition that typically results in developmental delay; or

At risk of having substantial developmental delays, according to informed clinical judgment.

"Developmental delay" means a Department determined eligible level of delay (50% and above) in one or more of the following areas of childhood development: cognitive; physical, including vision and hearing; language; speech and communication; social-emotional; or adaptive self-help skills, as measured by Department approved diagnostic instruments and standard procedures or as confirmed through informed clinical judgment of the multidisciplinary team if the child is unable to be appropriately and accurately tested by the standardized measures available.

"Physical or mental condition that typically results in developmental delay" means a medical diagnosis approved by the Department as an eligible condition or confirmed by a qualified family physician, pediatrician or pediatric sub-specialist as being a condition with a relatively well known expectancy for developmental outcomes within varying ranges of developmental disabilities. Pediatric subspecialists included are those such as pediatric neurologists, geneticists, pediatric orthopedic surgeons and pediatricians with special interest in disabilities.

"At risk of substantial developmental delay, according to informed clinical judgment" means that there is multidisciplinary team consensus that development of a Department determined eligible level of delay is probable if early intervention services are not provided, because a child is experiencing either:

a parent who has been medically diagnosed as having a severe disorder as set forth under axis I and axis II of the DSM IV or a developmental disability; or

three or more of the following risk factors:

current alcohol or substance abuse by the primary

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caregiver;

primary caregiver who is currently less than 15 years of age;

current homelessness of the child;

a diagnosis of Relationship or Attachment Disorder in the child (as set forth in DSM IV);

chronic illness of the primary caregiver;

alcohol or substance abuse by the mother during pregnancy with the child;

primary caregiver with a level of education equal to or less than the 10th grade, unless that level is appropriate to the primary caregiver's age;

an indicated case of abuse or neglect regarding the child and the child has not been removed from the abuse or neglect circumstances.

Services for children determined to be "at risk" shall not be funded under Federal Part C funding, nor subject to its requirements, unless Part C funding for "at risk" services is requested by the lead agency.

"Evaluation/Assessment" or "Evaluation" means the initial and ongoing procedures used by appropriate qualified personnel to determine:

a child's eligibility under this Part in accordance with the definition of "eligible infants and toddlers";

the child's status in each of the developmental areas set forth in "early intervention services";

the child's unique strengths and needs;

the services appropriate to meet those needs;

the resources, priorities, and concerns of the family; and

the supports and services necessary to enhance the family's capacity to meet the developmental needs of its infant or toddler with a disability.

"Individualized Family Service Plan" or "plan" or "IFSP" means a



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written plan for providing early intervention services to an eligible child and the child's family, as set forth in Subpart C.

"Lead agency" means the State agency, as designated by the Governor, responsible for administering the Act and receiving and disbursing public funds received in accordance with State and federal laws and rules. The Illinois Department of Human Services has been so designated.

"Local interagency agreement" means an agreement entered into by local community and State and regional agencies receiving early intervention funds directly from the State and made in accordance with State interagency agreements providing for the delivery of early intervention services within a local community area.

"Local interagency council" or "LIC" means a local advisory body established for each designated geographic intake region as set forth in Section 6 of the Early Intervention Services System Act.

"Local service area" means a local interagency council region.

"Multidisciplinary team" means a group of people concerned with the welfare of the child, including the child's parent/guardian, service coordinator and members from two or more disciplines involved in the provision of integrated and coordinated services, including evaluation and assessment activities, who determine a child's eligibility for services under this Part by consensus. Disciplines represented may include a developmental therapist, a social service professional such as a social worker or psychologist and/or a medical/health professional such as a nurse or physical therapist.

"Natural environment" means home and community settings that are natural or normal for the child's age peers who have no disability.

"Parents" means a parent, a guardian, a person acting as a parent of a child or a surrogate parent appointed as set forth in this Part.

"Part B" means Part B of the Individuals with Disabilities Education Act (20 USC 1400 et seq.) (IDEA) governing "Assistance for Education of All Children with Disabilities".

"Part C" means Part C of IDEA (20 USC 1400 et seq.) governing "Infants and Toddlers with Disabilities".

"Regional intake entity" means the Department's designated entity responsible for implementation of the Early Intervention Services System within its designated geographic area as set forth in Section 500.45.

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"Transition" is the process of transferring eligible children receiving early intervention services under this Part out of such services to Part B services or to other appropriate developmental or educational services.

## SUBPART B: COMPONENTS OF THE STATEWIDE SYSTEM

## Section 500.25 Public Awareness and Child Find

a) The Department shall provide ongoing and continuous public awareness efforts focused on the early identification of eligible children throughout the State. Public awareness information will include:

- 1) the purpose and scope of the System;
- 2) how to make referrals;
- 3) how to gain access to a comprehensive multidisciplinary evaluation and other early intervention services; and
- 4) information about the Central Directory (see Section 500.30). The Department may make direct mailings to primary referral sources as defined in this Part, distribute pamphlets and posters at pertinent locations and use media releases and campaigns to the public and professional organizations as necessary to create awareness, in addition to the activities set forth in this Part.

b) The regional intake entity as set forth in Section 500.45 serves as the central intake for each eligible child within its geographical area. By use of the central directory as set forth in Section 500.30, primary referral sources can identify and contact the appropriate regional entity. Primary referral sources include:

- 1) hospitals, including perinatal and post-natal care facilities;
- 2) physicians;
- 3) parents;
- 4) child care programs;
- 5) local educational agencies;
- 6) public health facilities;
- 7) other social services agencies; and
- 8) other health care providers.

c) The local interagency council shall be responsible for coordination, design and implementation of child find and public awareness activities for their geographic region. Such efforts shall take into consideration the region's cultural, communication, geographical and socio-economic make-up.

d) The regional intake entity and the local interagency council shall assure that activities are coordinated with comprehensive local and statewide efforts and shall provide information to the Department as requested and required in order for the Department to monitor the effectiveness of the efforts and determine possible gaps in public

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awareness and child find. If gaps are determined, the regional intake entity and the local interagency council shall increase efforts as required.

- e) Local interagency councils shall assist in:
  - 1) Development of collaborative agreements between local service providers, diagnostic and other agencies providing additional services to the child and family and agreements related to transition and integration of eligible children and families into the community;
  - 2) Local needs assessment, planning and evaluation efforts;
  - 3) Identification and resolution of local access issues;
  - 4) Provider recruitment; and
  - 5) Development of an annual report to the Council regarding child find and public awareness.
- f) The Department has entered into interagency agreement with the Illinois State Board of Education (ISBE) regarding coordinating ISBE's responsibility under Part B of IDEA to conduct child find of 0-21 year olds with the Department responsibility under Part C. Local education agencies (LEAs) are responsible to ISBE for carrying out specific obligations regarding child find.

- 1) LEAs shall:

- A) conduct public awareness activities targeting families and other primary referral sources;
- B) conduct screenings (by developmental checklists) to actively seek out infants and toddlers with disabilities or delays, report to the Department on these screenings and maintain procedures to assure compliance with the two-day referral time frame (schedules of screening dates and locations will be provided to the regional intake entity, other providers and the local advisory body);
- C) work closely with their regional intake entity to assure evaluations of identified children; and
- D) participate actively in their local advisory body (and as a member participate in coordination of public awareness and child find).

- 2) ISBE will:

- A) provide technical assistance to LEAs to carry out screening and identification;
- B) monitor to assure that services are available in each LEA jurisdiction;
- C) if notified by the Department that an LEA is not providing appropriate public awareness and child find, contact the LEA to assure the establishment of appropriate awareness, screening and identification (and report effort and screening dates back to the Department).

## Section 500.30 Central Directory

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- a) The State is required by Section 632(7) of IDEA (20 USC 1432(7)) and rules promulgated under that Section to maintain a Central Directory that includes information on the Early Intervention Services System.
- b) The data shall be made available in each geographic region of the State in a manner so as to ensure accessibility by persons with disabilities. Families may obtain information from a toll-free Department help line (voice, TTY and language appropriate). The number shall be published.
- c) Public and private early intervention service providers, resources, experts, professionals and other groups providing assistance to eligible children and their families shall provide information as required to the Department in order to maintain the Central Directory.

## Section 500.35 Local Interagency Councils

There will be local interagency councils designated by the Department in conjunction with the ICEI for each regional intake geographical area throughout the State. The councils shall be composed of parents, providers and others that provide services to the birth to three population as set forth in Section 6 of the Act.

## Section 500.40 Illinois Interagency Council on Early Intervention

The Illinois Interagency Council on Early Intervention (IICEI) established in Section 4 of the Act shall carry out statewide responsibilities regarding the Early Intervention Services System as set forth in this Part.

## Section 500.45 Regional Intake Entities

The Department will assure the designation of regional intake points as necessary to accomplish consistent, System intake and service coordination throughout the State. The regional entity shall be the contracted entity responsible for implementation of the Early Intervention Services System within its designated geographical area. The regional entity shall:

- a) Participate in public awareness and child find activities by disseminating information to primary referral sources and working with local interagency councils to identify required child find activities.
- b) Provide adequate accessible space/facilities to store permanent early intervention records and to house staff.
- c) Select, train, and supervise qualified staff to carry out the following tasks within the System specified time frames:
  - 1) Receive referrals.
  - 2) Develop, maintain and process the permanent early intervention case record in accordance with policies set forth by the Department.
  - 3) Provide information about the Early Intervention Services System, including rights and procedural safeguards and available advocacy services, to families and initiate intake with parental consent.

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- 4) Coordinate EI and non-EI services for enrolled families.
- 5) Ensure that eligibility is determined according to the Department's early intervention eligibility criteria.
- 6) Comply with family fee policies and procedures as set by the Department.
- 7) Develop the initial IFSP with the family, within 45 days after referral, consistent with requirements in this Part and federal regulations.
- 8) Monitor that the integrity of the IFSP process is maintained and completed through accurate, timely and complete implementation of the services as mutually determined and agreed to by the IFSP Team, and consented to in writing by the child's parent/guardian.
- 9) Monitor that the Part C funds are the "payor of last resort" to the extent allowed by law. This includes assistance in accessing resource supports, including but not limited to Medicaid (Title XIX), the State Child Health Insurance Program (Title XXI), the Division of Specialized Care for Children (Title V) and private insurance.
- 10) Assist the family in monitoring IFSP implementation and obtain updated documentation from service providers listed on the IFSP in accordance with this Part, communicating regularly with the family using a variety of face-to-face, telephone, written correspondence, and other methods, including team meetings, to ensure that the family is well informed and an active participant in the implementation of the IFSP.
- 11) Assure that IFSPs are reviewed at least every six months and updated annually.
- 12) Assure that transition planning, case transfer and case closure occur consistent with the requirements of this Part.
- 13) Be knowledgeable of and comply with all applicable federal and State laws, guidelines, procedures, rules, regulations, and executive orders applicable to its activities, including, but not limited to:
  - A) The Individuals with Disabilities Education Act (20 USC 1400 et seq.). The United States Department of Education regulations for the early intervention program for Infants and Toddlers with Disabilities (34 CFR 303) and the Illinois Early Intervention Services System Act.
  - B) The federal Family Education Rights and Privacy Act (FERPA) (20 USC 1232g, 1232h) and the United States Department of Education implementing regulations (34 CFR 99); the Illinois School Student Records Act [105 ILCS 10].
  - C) The Americans with Disabilities Act (42 USC 12131-12134).
- d) Maintain a directory of non-EI financial resources and support services for use with families.
- e) Assist families in accessing non-EI financial resources and support services by making appropriate referrals while the child is enrolled with the Early Intervention Services System and at transition.

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- f) Children found ineligible should be offered referrals for non-EI community resources prior to case closure.
- g) Maintain administrative and programmatic contact with all EI service providers in the service area.
- g) Participate in routine monitoring and technical assistance activities as required by the Department, including on-site monitoring, data collection and reporting obligations, record reviews, financial audits, complaint investigations, and consumer satisfaction surveys.

## Section 500.50 Eligibility

- a) An Illinois child under the age of 36 months of age and his or her family are eligible for services set forth in this Part if the child:
  - 1) is experiencing a Department determined eligible level of developmental delay; or
  - 2) is experiencing a medically diagnosed physical or mental condition that typically results in developmental delay; or
  - 3) is, according to informed clinical judgment of the qualified multidisciplinary team, at risk of substantial developmental delay.
- b) Eligibility must be determined by consensus of a qualified multidisciplinary team, with members from two or more disciplines, using one or more of the following:
  - 1) One or more standardized evaluations or criterion referenced measures approved by the Department. If a child is unable to be appropriately and accurately tested by the standardized measures available, informed clinical judgment of the qualified multidisciplinary team may be used to document the level of delay. Activities to determine clinical judgment shall include observation and parent report and shall be described in the team's written report documenting the team's informed clinical judgment that the child is experiencing delay at a level determined by the Department to be eligible;
  - 2) Specific medical diagnosis as determined by the Department. If a child exhibits a medical condition not approved by the Department as being an eligible condition, the qualified multidisciplinary team may use written verification by a qualified pediatrician or pediatric sub-specialist (pediatric neurologist, geneticist, pediatric orthopedic surgeon, pediatrician with special interest in disabilities) that the child's medical condition typically results in substantial developmental delay within the varying ranges of developmental disabilities; or
  - 3) Written verification of the multidisciplinary team's consensus that, based on informed clinical judgment, development of substantial developmental delay is probable if early intervention services are not provided to the child who is experiencing risk factors as defined in Section 500.20. This report must also identify which risk factors the child is experiencing.



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- c) Eligibility shall be re-determined annually.
- d) If a family removes a child from services prior to reaching age three years and the child is later referred again, the child must meet eligibility criteria in effect at the time of the subsequent referral in order to be re-enrolled.

**Section 500.55 Early Intervention Services/Devices**

Early intervention services as defined in Section 500.20 may include the following as deemed necessary under the IFSP:

- a) Assistive technology, including:
  - 1) Assistive technology devices, meaning any item, piece of equipment or product system that is used to increase, maintain, or improve the functional capabilities of children with disabilities. Devices must be prior approved by the Department. Prior approval will not exclude assistive technology devices as defined in this Part that are required in order to meet the child's EI needs. Devices that meet the medical, life sustaining or routine daily needs of the child do not fall within the definition of assistive technology device.
  - 2) Assistive technology services, meaning services that directly assist a child with a disability in selection, acquisition, or use of an assistive technology device.
- b) Audiology, aural rehabilitation/other related services for the purposes of:
  - 1) Identification of children with auditory impairment, using appropriate criteria and audiologic screening techniques;
  - 2) Determination of the range, nature, and degree of hearing loss and communication functions by use of audiological evaluation procedures;
  - 3) Referral for medical testing and other services necessary for the habilitation or rehabilitation of children with auditory impairment;
  - 4) Provision of auditory training, aural rehabilitation, speech reading and listening device orientation and training, and other related services;
  - 5) Determination of the child's need for individual amplification, including selecting, fitting, and dispensing appropriate listening and vibrotactile devices, and evaluating the effectiveness of those devices;
  - 6) Family training, education and support provided to assist the child's family in understanding the child's special needs as related to audiology, aural rehabilitation and other related services and to enhancing the child's development.
- c) Developmental therapy services for the purposes of:
  - 1) Evaluation/assessment, IFSP development, provider to provider consultation and treatment planning that leads to achieving IFSP outcomes, special instruction activities defined in the IFSP that

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- promote acquisition of skills in various developmental areas, including cognitive processes and social interaction, provision of information and support related to enhancing the child's skill development.
- 2) Family training, education and support provided to assist the child's family in understanding the child's special needs as related to developmental therapy services and to enhancing the child's development.
  - d) Family training and support, which can include family training, education and support provided to assist the family of an eligible child in understanding the needs of the child as related to the provider's specific discipline and to enhancing the child's development.
  - e) Health consultation by a licensed physician who has provided recent and/or ongoing medical treatment for the child with service providers who are identified on a child's IFSP as members of the child's multidisciplinary team concerning the child's health care needs that impact the provision of early intervention services.
  - f) Medical services for diagnostic or evaluation purposes provided by a licensed physician to determine a child's developmental status and need for early intervention services.
  - g) Nursing services for the purposes of:
    - 1) Evaluation to determine a child's developmental status and need for early intervention services;
    - 2) Assessment to determine a child's health status and identify the need for medical referrals;
    - 3) Provision of required nursing care during the time the child is receiving other early intervention services, such as:
      - A) administration of medications, treatments, and regimens prescribed by a licensed physician; and
      - B) clean intermittent catheterization, tracheostomy care, tube feeding, the changing of dressings or colostomy collection bags, and other health services as required to allow the child to participate in other EI services;
    - 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to nursing services and to enhancing the child's development.
- Nursing services do not include hospital or home health nursing care required due to surgical or medical intervention or medical health services such as immunizations and regular "well baby" care that are routinely recommended for all children.
- h) Nutrition services for the purposes of:
    - 1) Conducting individual assessments in nutritional history and dietary intake, anthropometric, biochemical, and clinical variables, feeding skills and feeding problems, and food habits and food preferences;
    - 2) Developing and monitoring appropriate plans to address the nutritional needs of the eligible child based upon individual



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## assessment:

- 3) Making referrals to appropriate community resources to achieve plans; and
- 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to nutrition services and to enhancing the child's development.
- i) Occupational therapy services to address the functional needs of a child related to adaptive development; adaptive behavior and play; and sensory, motor, and postural development. These services are designed to improve the child's functional ability to perform tasks in home, school, and community settings and include:
  - 1) Evaluation/assessment and intervention;
  - 2) Adaptation of the environment and selection, design and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills;
  - 3) Prevention or minimization of the impact of initial or future impairment, delay in development, or loss of functional ability; and
  - 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to occupational therapy services and to enhancing the child's development.
- j) Physical therapy services to address the promotion of sensorimotor function through enhancement of musculoskeletal status, neurobehavioral organization, perceptual and motor development, cardiopulmonary status, and effective environmental adaptation. These services include:
  - 1) Evaluation/assessment of infants and toddlers to identify movement dysfunction;
  - 2) Obtaining, interpreting, and integrating information appropriate to program planning to prevent, alleviate, or compensate for movement dysfunction and related functional problems;
  - 3) Providing individual and group services or treatment to prevent, alleviate, or compensate for movement dysfunction and related functional problems; and
  - 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to physical therapy services and to enhancing the child's development.
- k) Psychological and other counseling services for the purposes of:
  - 1) Evaluation to determine a child's developmental status and need for early intervention services;
  - 2) Administering psychological or developmental tests and assessment procedures to determine the need for psychological or other counseling services;
  - 3) Interpreting evaluation results;
  - 4) Obtaining, integrating and interpreting information about child behavior and child and family conditions related to learning,

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## mental health, and development:

- 5) Planning and managing a program of psychological or other counseling services, including psychological or other counseling for children and parents, family counseling, consultation on child development, parent training, and education programs; and
- 6) Family training, education and support provided to assist the child's family in understanding the child's needs as related to psychological or other counseling services and to enhancing the child's development.
- l) Service coordination carried out by a service coordinator to assist and enable a child eligible under Part C and the child's family to receive the rights, procedural safeguards, and services that are authorized to be provided through the State's early intervention program, including:
  - 1) Providing comprehensive case management to coordinate EI and non-EI services provided for the child and family;
  - 2) Contacting the child/family as needed to assist the family in monitoring provision of needed evaluation/assessments and services;
  - 3) Facilitating and participating in the development, review and updating of Individualized Family Service Plans;
  - 4) Facilitating the development of a transition plan to preschool services;
  - 5) Facilitating referrals for appropriate EI and non-EI services and supports; and
  - 6) Developing and maintaining the child's permanent and electronic EI record at the regional intake entity.
- m) Social work and other counseling services for the purposes of:
  - 1) Evaluation to determine a child's developmental status and need for early intervention services;
  - 2) Making home visits to assess a child's living conditions and patterns of parent-child interaction to determine the need for social work or other counseling services;
  - 3) Preparing a social or emotional developmental evaluation of the child within the family context;
  - 4) Providing individual and family group counseling with parents and other family members, and appropriate social skill building activities with the child and parents;
  - 5) Working with those problems in the child's and family's living situation (home, community, and any center where early intervention services are provided) that affect the child's maximum utilization of early intervention services;
  - 6) Identifying, mobilizing, and coordinating community resources and services to enable the child and family to receive maximum benefit from early intervention services; and
  - 7) Family training, education and support provided to assist the child's family in understanding the child's needs as related to social work or other counseling services and to enhancing the

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child's development.

- n) Speech-language therapy services for the purposes of:
  - 1) Evaluation/assessment activities to identify communicative or oropharyngeal disorders and delays in development of communication skills, including the diagnosis and appraisal of specific disorders, and delays in those skills;
  - 2) Referral for medical or other professional services necessary for the habilitation or rehabilitation of children with communicative or oropharyngeal disorders and delays in development of communication skills;
  - 3) Provision of services for the habilitation, rehabilitation, or prevention of communicative or oropharyngeal disorders and delays in development of communication skills; and
  - 4) Family training, education and support provided to assist the child's family in understanding the child's needs as related to speech therapy services and to enhancing the child's development.
- o) Transportation services (e.g., loaded mileage for travel by taxi, common carrier or service car) provided in accordance with the Department's EI transportation policies to enable an eligible child and the child's family to travel to and from the location where the child receives another early intervention service.
- p) Vision services for the purposes of:
  - 1) Evaluation/assessment of visual functioning, including the diagnosis and appraisal of specific visual disorders, delays and abilities;
  - 2) Referral for medical or other professional services necessary for the habilitation and/or rehabilitation of visual functioning disorders;
  - 3) Communication skills training, orientation and mobility training for all environments, visual training, independent living skills training, and additional training necessary to activate visual motor abilities;
  - 4) Orientation/mobility and other vision services related to improvement of visual functioning, including orientation and mobility training for all environments, communication skills training, visual training, independent living skills training and additional training necessary to activate visual motor activities; and
  - 5) Family training, education and support provided to assist the child's family in understanding the child's needs as related to vision services and to enhancing the child's development.

**Section 500.60 Provider Qualifications and Enrollment**

- a) An individual shall meet the pertinent licensing, degree and/or certification requirements for the service to be provided, as set by the Department.
- b) Qualified individuals must enroll with the Department in order to bill

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for early intervention services provided to eligible children.

- c) Enrolled individuals must meet minimum requirements for continuing professional education as set forth by the Department.

**Section 500.65 Monitoring**

- a) The Department, or its designee, will conduct comprehensive on-site monitoring visits at the regional intake entities. Visits may occur at any time. Desk reviews may also be performed and families may be interviewed. The regional intake entities shall help the Department in obtaining representative family interviews.
- b) The Department will prepare a written report of its findings that shall be sent to the regional intake entity. The report shall identify issues of non-compliance and may make recommendations about other areas of concern.
- c) The regional intake entity shall send a corrective action plan to the Department within 30 days after receipt of the report, proposing timelines for addressing each compliance issue.
- d) If the Department approves the corrective action plan and timelines, it may make follow-up visits as necessary to determine progress and compliance.
- e) If the corrective action plan is not acceptable to the Department, it may provide a reasonable plan and timelines, and make follow-up visits as necessary to determine progress and compliance.
- f) In addition to any other rights the Department may have under contract with the regional intake entity the Department may suspend the contract, or withhold or suspend payments to the regional intake entity due to noncompliance with this Part and with Part C. Suspensions and holds may be lifted upon completion of, or demonstration of satisfactory progress towards, satisfactory corrective action. If an acceptable corrective action plan is not submitted in the required timeframe or the terms of the corrective action plan are not met by the provider, the Department may terminate the contract. This Section does not preclude the Department from exercising any rights it may have under its contract with the regional intake entity.
- g) The Department may also visit and review records of individual providers within the area to assure compliance with applicable laws, regulations and Service Provider Agreements. Visits may occur at any time.
- h) The team may also submit written reports to individual providers regarding provider non-compliance and issues of concern.
- i) Providers receiving such reports shall submit a corrective action plan within 30 days proposing timelines for addressing issues of compliance. The Department shall follow subsections (d) and (e) if necessary regarding the provider.
- j) In addition to other rights the Department may have, it may terminate its Service Provider Agreement with a provider due to non-compliance,

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and arrange for the provision of services to eligible children by other providers. This Section does not preclude the Department from exercising any rights it may have under the Service Provider Agreement.

## SUBPART C: SERVICE DELIVERY REQUIREMENTS

## Section 500.70 Intake

- a) Upon receiving a referral, regional intake entities shall ensure that evaluation, eligibility determination, assessments in all five developmental domains as set forth in Section 500.75(a)(3), and development of the initial Individualized Family Service Plan are completed with the family within 45 calendar days. The 45 day intake period can be extended by documented family request. Service coordination, evaluation/assessment, eligibility determination and Individualized Family Service Plan development, review and updating and procedural safeguards shall be provided at no cost to families.
- b) Regional intake entities shall provide service coordination for each family.
- c) The service coordinator shall request appointment of a surrogate parent upon referral and prior to evaluation of a child who would not otherwise have parental representation, as set forth in Section 500.160.
- d) The service coordinator shall provide the family with orientation to the Illinois Early Intervention Services System, shall inform the child's parents of their rights and shall give reasonable written prior notice whenever the Department or service providers propose or refuse to initiate or change the identification, evaluation, or placement of the child or the provision of early intervention services.
- e) Upon receipt of informed consent from the child's parent, the service coordinator shall proceed with initial intake activities that shall include:
  - 1) Establishment of the child's permanent and electronic record with the regional intake entity;
  - 2) Completion of Department required intake forms;
  - 3) Request of existing records regarding the child's need for services; and
  - 4) Review of existing records to identify whether additional information is needed to determine if the child meets federal and State established eligibility criteria.

## Section 500.75 Eligibility Determination

- a) The service coordinator shall, with informed parental consent:
  - 1) Assist the family in developing an evaluation plan in the Department required format that lists testing activities needed

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to collect the information and the appropriate available enrolled providers chosen by the family to conduct the tests;

- 2) Arrange for the evaluation plan to be implemented; and
- 3) Obtain evaluation reports, including statements of evaluator findings related to the child's eligibility status and the child's functioning level, unique strengths and needs in the developmental areas tested and the services appropriate to meet those needs in all of the following five developmental domains:
  - A) cognitive development;
  - B) physical development, including vision and hearing;
  - C) language, speech and communication development;
  - D) social-emotional development; and
  - E) adaptive self-help skills development.

- b) Providers shall conduct authorized evaluations and provide reports to the service coordinator within at least four business days after the evaluation but prior to initial IFSP development.
- c) After sufficient information has been collected to determine eligibility status, the service coordinator shall ensure that a multidisciplinary team, including the child's parent, service coordinator and members from two or more disciplines, has determined the child's eligibility status by consensus. Consensus may be reached without a team meeting. Existing records and evaluation reports may be used to assist with the evaluation/assessment process. Evaluations/assessments used in the eligibility determination and/or IFSP development process must have been completed no more than six months prior to the child's eligibility determination and/or IFSP development.

- d) If the multidisciplinary team determines that the child is eligible, the service coordinator shall:
  - 1) Inform the parent in writing that the child was determined eligible; and
  - 2) Assure completion of comprehensive evaluation/assessment activities with the family.
- e) If the multidisciplinary team determines that the child is not eligible, the service coordinator shall inform the parent in writing that the child was determined ineligible and shall close the case as set forth in Section 500.105. Written notice shall be consistent with the requirements of Section 500.165.
- f) With informed parental consent, the service coordinator shall notify the referral source in writing of the status of the referral.

## Section 500.80 Individualized Family Service Plan Development

- a) The service coordinator shall:
  - 1) Review existing records to identify whether additional information is needed to determine the child's current health status and medical history and, if so, shall request the information upon receipt of informed parental consent.



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- 2) Review existing records and evaluation reports to identify whether additional information is needed to determine the child's functioning levels, unique strengths and needs and the services appropriate to meet those needs in the five developmental domains (cognitive development; physical development, including vision and hearing; communication development; social-emotional development; and adaptive self-help skills) and, if not, shall arrange for additional evaluation/assessment activities using methods described in Section 500.75.
- 3) Assist the family in determining its resources, priorities and needs related to being able to enhance its child's development and the supports and services appropriate to meet those needs.
- 4) Assist the family initially, and annually thereafter or more often at reasonable parental request, in determining its ability to participate in the cost of services that are subject to family fees. The inability of a family to participate in the cost of services shall not result in the denial of services to the child or the child's family.
- 5) Collect information regarding any and all public and private insurance under which the child's services may be covered.
- b) The Department shall not pay for services listed on the IFSP that the Department is not required to fund. Early intervention funding is the payor of last resort for IFSP services that the Department is required to fund.
- c) Prior to development of the initial or annual Individualized Family Service Plan, the service coordinator shall:
  - 1) Arrange for a meeting to be held, at a time and place convenient for the family, between the child's parent and other family members by parental request, the service coordinator, a person or persons directly involved in conducting the evaluations/assessments, potential service providers within the EI Service System, and others, such as an advocate or person outside the family by parental request, to develop the Individualized Family Service Plan; and
  - 2) Provide reasonable prior written notice to the family and other participants of this meeting.
- d) If an evaluator/assessor invited to the meeting cannot attend the meeting, the service coordinator shall make arrangements for the person's involvement through other means, including:
  - 1) Participating in a telephone conference call;
  - 2) Having a knowledgeable authorized representative attend the meeting; or
- 3) Making pertinent records, including reports and recommendations from the evaluators/assessors, available at the meeting.
- e) At the meeting to develop the Individualized Family Service Plan, the service coordinator shall:
  - 1) Facilitate the meeting;
  - 2) Ensure that the meeting is conducted in the parent's native

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- language or mode of communication, unless it is clearly not feasible to do so, or that an interpreter is present to translate what is discussed.
- f) The Individualized Family Service Plan must:
- 1) Be developed jointly by the family and appropriate qualified personnel involved in the provision of early intervention services.
  - 2) Be based on the multidisciplinary evaluation/assessment of the child and the family evaluation.
  - 3) Include services necessary to enhance the development of the child.
  - 4) Include services necessary to enhance the capacity of the family to meet the developmental needs of the child.
  - 5) State the natural environments in which services shall be appropriately provided and justification of why early intervention cannot be achieved satisfactorily in a natural environment if any services are to be provided elsewhere.
  - 6) Include all components as required by the Department.
  - 7) Provide a statement of the child's present developmental levels in the following areas, based on professionally acceptable objective criteria:
    - A) physical development, including vision and hearing;
    - B) cognitive development;
    - C) language, speech and communication development;
    - D) social or emotional development; and
    - E) adaptive self-help skills development.
  - 8) Provide a statement of the family's resources, priorities and concerns related to enhancing the development of the child.
  - 9) A statement of the major outcomes expected to be achieved for the child and family, and the criteria, procedures and timelines used to determine:
    - A) The degree to which progress toward achieving the outcomes is being made; and
    - B) Whether modifications or revisions of the outcomes or services are necessary.
  - 10) A statement of the specific early intervention services necessary to meet the unique needs of the child and family to achieve the outcomes identified in this subsection (f)(10), including:
    - A) The frequency and intensity for each service, meaning the number of times a service will be provided within a given period and the length of time the service will be provided during each session;
    - B) The method of delivering the services, meaning whether the service will be provided on a group or individual basis;
    - C) The location in which early intervention services will be provided, including whether the location would be considered a natural environment for the child and family, as described in subsection (f)(5); and



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- D) The projected beginning dates as soon as possible after development of the IFSP and the duration or ending dates of the services.
- 11) A statement of any other services, such as medical services, that the child needs but that are not required early intervention services. The statement should include the funding sources to be used in paying for those services or the steps that will be taken to secure those services through public or private sources. Routine medical services such as immunization or well child care do not need to be listed unless the child is not receiving those services and needs them.
- 12) The name of the service coordinator qualified to carry out all applicable responsibilities who will be responsible for implementation of the IFSP and coordination with other agencies and persons.
- 13) The steps to be taken to support the transition of the child to preschool services under Part B of IDEA to the extent that those services are considered appropriate or to other services that may be available, if appropriate. The steps include:
- Discussions with and training of parents regarding future placements and other matters related to the child's transition at age three years;
  - Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
  - With informed parental consent, the transmission of information about the child to the local educational agency to ensure continuity of services, including evaluation information and copies of the IFSP.
- 9) During and as part of the IFSP development, and any changes thereto, the regional intake entity shall consult Department developed therapy guidelines and Department designated experts, if any, to help determine appropriate services, and frequency and intensity of those services. Services beyond those recommended must be sufficiently justified by the IFSP team in order to be included on the IFSP. (The therapy guidelines shall become effective when finalized by the Department and distributed to the intake entities.)
- h) The service coordinator shall determine if an Interim Individualized Family Service Plan, as set forth in sections 303.322(e)(2) and 303.345 of Part C of IDEA, is needed to initiate partial services for an eligible child while intake is being completed. An Interim IFSP may be needed if some early intervention services have been determined to be needed immediately for the child or family.
- i) If an Interim IFSP is needed, the service coordinator shall:
- Document the reasons an Interim IFSP is needed;
  - Assist the family in determining its ability to participate in the cost of services that are subject to family fees;
  - Complete the Department required IFSP form with the child's.

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- parent and with input from the multidisciplinary team members who recommended immediate services for the child and family;
- Arrange for the Interim IFSP to be implemented;
  - Request service reports at the end of the Interim IFSP period and monitor provision of services; and
  - Maintain the child's permanent and electronic record with the regional intake entity during the Interim IFSP period.
- j) The implementation of an Interim IFSP shall not be used to extend the 45 day intake period. A fee may be assessed for services subject to family fee if the family is assessed as having the ability to participate in the costs of its child's services.

## Section 500.85 Individualized Family Service Plan Implementation

- a) Upon receiving informed written consent from the child's parent to implement the Individualized Family Service Plan, the service coordinator shall:
- Arrange for implementation of the IFSP utilizing available enrolled providers;
  - Provide copies of the IFSP to each person the parent has consented to receive a copy;
  - Request direct service reports and monitor provision of services; and
  - Update and maintain the child's permanent and electronic record with the regional intake entity during the IFSP period.
- b) The parent has the right to accept or decline any or all services without jeopardy to other services under this Part as set forth in Section 500.155(c). Refusals of services or referrals shall be documented in writing.
- c) Providers shall render authorized services as indicated in the IFSP. They shall provide direct service reports to the service coordinator at least every six months and prior to each IFSP update/review or more often if the child's progress/lack of progress warrants.
- d) The Illinois Early Intervention Services System is not responsible for funding early intervention services the parent seeks from providers not enrolled with the system unless an enrolled provider cannot be made available to the family. Services outside the System in such situations must be prior approved by the Department.

## Section 500.90 Individualized Family Service Plan Updating

- a) At least every six months, or more frequently if conditions warrant or upon reasonable request of the child's parent or a member of the multidisciplinary team, the service coordinator shall review the Individualized Family Service Plan with the child's parent and other appropriate participants. The review may be carried out by a meeting or by other reasonable means.
- The purpose of the review is to determine:

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- A) The degree to which progress toward achieving the outcomes is being made; and
  - B) Whether modification or revision of the outcomes, services or supports is necessary.
- 2) The service coordinator shall facilitate implementation of any changes agreed upon by the multidisciplinary team, with informed parental consent, and shall update the child's permanent and electronic record.
- b) Providers shall conduct authorized assessments as indicated on the IFSP as an ongoing process throughout the period of the child's eligibility and shall provide assessment reports to the service coordinator prior to IFSP updates/reviews.
  - c) At least once a year, the service coordinator shall arrange for an annual IFSP meeting to evaluate and revise the IFSP for the child and the child's family. The results of any current evaluations and ongoing evaluations of the child and family must be used in determining what services are needed and shall be provided. The service coordinator shall facilitate development of the annual IFSP by conducting the activities outlined in Section 500.80.
  - d) The service coordinator shall facilitate implementation of the annual IFSP by conducting the activities outlined in Section 500.85.

**Section 500.95 Case Transfer**

When an eligible child moves to another intake region within Illinois:

- a) With consent of the parent, the service coordinator at the prior regional intake entity shall transfer a copy of the child's permanent and electronic record to the new regional intake entity, maintaining a copy of the child's permanent record as a closed file.
- b) With consent of the parent, the new regional intake entity shall assist the family in initiating services in the new region. The new service coordinator shall meet with the family as soon as possible (no later than 15 days) to arrange new providers for the services in the child's IFSP if the original providers are not able to continue serving the child and family in the new region.

**Section 500.100 Transition to Part B or Other Appropriate Services at Age Three**

Children receiving services under this Part shall receive a smooth and effective transition to appropriate preschool programs under Part B of IDEA or to other appropriate services for 3-5 year olds, by their third birthday. The service coordinator shall make all reasonable efforts to ensure the continuity and coordination of services.

- a) Six months prior to the child's third birthday, the service coordinator shall begin to communicate with the child's local educational agency, appropriate community programs and the family about transition. The service coordinator shall:

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- 1) Request parental consent to make transition referrals;
  - 2) With informed parental consent, inform the child's local educational agency that the child will shortly reach the age of eligibility for preschool services under Part B;
  - 3) Inform the parent in writing of educational rights of students with disabilities under Part B;
  - 4) Complete referral information as requested by the local educational agency (the school district).
- b) The service coordinator shall convene a conference (upon the parent's approval), consisting of at least the family, the local educational agency and the service coordinator, to discuss services for the child. The conference shall also include a review of the child's program options for the period from the child's third birthday through the remainder of the school year. The meeting shall be held at least 90 days before the child is eligible for preschool services. If the child is not eligible for preschool services under Part B, the coordinator shall make reasonable efforts to convene a conference (upon the parent's approval) among the coordinator, the family and providers of other appropriate services.
  - c) The service coordinator shall establish a written transition plan based on the conferences and communications described in subsections (a) and (b). The transition plan shall provide for discussion with and training of the family, as well as for the transition of the child.
  - d) This plan will document all referrals to other services and all refusals of services by the parents.
  - e) The local educational agency has an obligation under the law to participate in transition planning conferences.
  - f) On the child's third birthday, the service coordinator shall close the case pursuant to Section 500.105.

**Section 500.105 Case Closure**

- a) When a child exits early intervention services, the service coordinator shall update and close the child's permanent and electronic record with the regional intake entity.
- b) If an eligible child moves to another state:
  - 1) The service coordinator and regional intake entity shall:
    - A) With consent of the parent, refer the child to the Early Intervention program in the new state and transfer a copy of the child's permanent record to the new state;
    - B) Update and close the child's permanent and electronic record with the Illinois regional intake entity; and
    - C) Maintain the child's original permanent record as a closed file.
- 2) The Illinois Early Intervention Services System is not responsible for funding services to a child and family who no longer reside in Illinois.

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- c) The regional intake entity and providers shall store closed records as set forth in Section 500.110.

**Section 500.110 Recordkeeping**

- a) All service providers, service coordinators, and regional intake entities shall collect, compile and maintain appropriate records as required in this Part and as required by pertinent professional standards regarding services provided under this Part.

b) The early intervention record shall contain at least:

- 1) Identifying information, including name, Medicaid recipient identification number, address and telephone number, sex, date of birth, primary language or method of communication, emergency contact or parent or parent substitute, date of initial contact and initiation of early intervention services, third party coverage, and source of referral;
  - 2) Documentation of appropriate consents for early intervention services and releases of information;
  - 3) Evaluation reports;
  - 4) A current and any past IFSP, progress notes and reviews, and documentation of the relationship of the services to the IFSP goals and child and family progress;
  - 5) Documentation of known child and family movement (referral/transfer) during any active service period to or from the provider's programs or to or from other providers;
  - 6) Documentation of any refusal of services and/or referrals;
  - 7) Direct service reports to support each early intervention service rendered;
  - 8) Periodic reviews, minimally at six month intervals, describing the child's overall progress; and
  - 9) If closed, a case closure summary documenting the outcome of interventions and, as necessary, the linkages for continued services.
- c) Service providers, service coordinators and regional intake entities shall permit access to records by the Department as the lead agency, by the federal Office of Special Education Programs or its designees, and by its regional intake entity. They shall obtain consent from clients, upon initiation of services, to allow the release of records to the State and federal entities for the purpose of providing services, paying for services, and monitoring the provision of services.
- d) The compilation, maintenance, storage of and access to records shall be governed by written policies and procedures that comply with the confidentiality provisions of Sections 500.150 and 500.155.
- e) Facilities for the handling, processing and storage of records, whether hard copy, magnetic tapes, computer files, or other automated systems, shall be secured from unauthorized access, theft, loss, or fire or other natural occurrences.

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- f) All entries to records shall be current, legible and dated and the author shall be designated. If hard copy, the author shall sign the entry.
- g) The regional intake entity is responsible for maintaining a complete early intervention record as set forth in subsection (b) for each enrolled child in the intake region.
- h) Each service provider is required to keep documentation adequately supporting early intervention services provided.
- i) Records described in this Section shall be maintained for at least 5 years from the child's discharge from early intervention services, or until any outstanding audit reviews or exceptions are closed to the satisfaction of the Department, or until any active or pending legal action, hearing request, complaint or other administrative or legal proceedings regarding them are resolved, whichever comes later. Destruction of records shall be consistent with pertinent laws.

**Section 500.115 Service Provider Requirements**

Service providers shall:

- a) Not bill families for authorized early intervention services.
- b) Participate in evaluation/assessment activities and the development, review and revision of IFSPs in a timely and comprehensive manner, and provide early intervention services in a family centered, ethical and culturally competent manner. Family members are to be an integral part of service planning, the child's participation in early intervention services, and the outcomes identified in the IFSP.
- c) Provide accurate and timely services as set forth in the IFSP.
- d) Contact the service coordinator to request multidisciplinary team approval for proposed changes in the delivery of services to eligible children and to request parental consent prior to implementing any changes to services listed on the IFSP.
- e) Agree that they shall not bill or receive reimbursement from the Department's centralized billing system for services in excess of what is authorized in the IFSP.
- f) Agree not to terminate services for an eligible child without written notification to the child's service coordinator at least 30 days prior to the anticipated date of service termination.
- g) Meet and maintain all applicable standards and regulations for individual and program licensure, certification and credentialing. Comply with all applicable State and federal laws and regulations for physical facilities in which services are made available.
- h) Provide evaluation reports and direct service reports to the service coordinator as required by this Part and as necessary to the provision of EI services consistent with federal and State requirements.
- i) Submit invoice of charges for billable services following service delivery, according to Department billing requirements.
- j) Understand that screening, evaluation/assessment services, IFSP development, service coordination, and procedural safeguards are at



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public expense and not bill the family or their insurance for these activities.

- k) Participate in routine monitoring and supervision activities as set forth by the Department, including self-assessment, on-site monitoring, data collection and reporting obligations, record reviews, financial audits, complaint investigation, and consumer satisfaction surveys.

- l) Comply with any and all federal and State statutes and regulations, policies, guidelines, directives and procedures, including but not limited to those listed in Section 500.45(c)(13), and others that are applicable to the services being provided.

- m) Provide services and communications to clients in a language or mode of communication understood by the client. If necessary, interpreters may be used.

- n) Be knowledgeable about and inform families of their rights and procedural safeguards, including requirements as set forth in 20 USC 1439 and 34 CFR 303.400 et seq., and comply with those rights and procedural safeguard requirements.

- o) Make himself/herself available as required for administrative hearings, complaint proceedings or legal proceedings involving services under this Part.

- p) Assist as required in maintaining the child's EI record at the regional intake entity.

## SUBPART D: FINANCIAL MATTERS

## Section 500.120 Billing Procedures

- a) Authorized services and devices shall be billed through the Department's centralized billing system.

- b) Individual providers enrolled pursuant to requirements set forth in Section 500.60 may receive payment for authorized services and devices.

- c) Direct services, equipment and supplies shall be reimbursed at a Department established rate.

- d) Services and devices shall be authorized prior to billing.

- e) EI providers shall bill the Department's centralized billing system as payor of last resort for authorized services, equipment and supplies pursuant to requirements set forth in Section 500.115. Bills must be submitted to the Early Intervention Services System in accordance with billing instructions provided to the EI provider by the System.

- f) Providers shall maintain and make available to the System, for a minimum of 5 years, adequate books, records and supporting documents regarding provision of and billing for services and devices, and shall comply with other recordkeeping requirements set forth in Section 500.110.

## Section 500.125 Payor of Last Resort

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Early intervention program money provided to the State under Part C may not be used to satisfy a financial commitment for services that would otherwise have been paid for from another public or private source had Part C not been enacted. Part C funds may be used only for services that a child is not otherwise entitled to under any other federal, State, local or private source (including, but not limited to, Medicaid (Title XIX), the State Child Health Insurance Program (Title XXI), and the Division of Specialized Care for Children (Title V) program).

## Section 500.130 Family Fee/Insurance

- a) A statewide sliding fee schedule shall be established by the Department annually for direct EI services and assistive technology devices set forth in Section 500.55, except for those services that are required to be provided at no cost to families. (See Appendix A.)
- b) Parents shall be encouraged to have their private insurance billed for services and devices that are subject to EI fees.
- c) Medicaid recipients shall not be charged an EI fee.
- d) No one shall be denied services based on inability to pay.

## SUBPART E: PROCEDURAL SAFEGUARDS/CLIENT RIGHTS

## Section 500.135 Minimum Procedural Safeguards

- a) The following minimal procedural safeguards are required by IDEA, regarding Part C early intervention services:

- 1) The timely administrative resolution of complaints by parents and the right to bring civil action with respect to the complaint in State or federal court;
- 2) The right to confidentiality of personally identifiable information, including the right of parents to written notice and written consent to exchange of information among agencies, consistent with federal and State law;
- 3) The right of the parents to determine whether they, their child or other family members will accept or decline any early intervention service under this Part without jeopardizing other early intervention services under this Part;
- 4) The opportunity for parents to examine records relating to evaluation, screening, eligibility determination, and the development and implementation of the Individualized Family Service Plan;
- 5) Procedures to protect the rights of the child when the parents are not known or cannot be found, or the child is a ward of the State, including the assignment of an individual (who is not an employee of a State agency, a family member or an early intervention services provider) to act as a surrogate;
- 6) Written prior notice to the parents of the child when the State agency or service provider proposes to initiate or change, or



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refuses to initiate or change, the identification, evaluation, or placement of the child in, or the provision of, appropriate early intervention services;

7) Written prior notice that fully informs the parents in the parents' native language, unless it is not feasible to do so, of all procedures available as set forth in this Section;

8) The right of parents to use mediation in accordance with 20 USC 1439(a)(8).

b) Regional intake entities and other providers of Part C early intervention services shall not violate the procedural safeguards and rights set forth in subsection (a). Furthermore, to the extent that they participate in any activity requiring procedures and rights in subsection (a), they shall comply with those procedures, assure the protection of those rights, and give clients timely and effective notice of those rights.

## Section 500.140 Administrative Resolution of Complaints By Parents

a) The parents of a child between birth to 36 months or a public agency (as defined at 34 CFR 300.22) may request an impartial administrative proceeding to resolve a dispute regarding the evaluation, identification, placement, delivery of services, or provision of appropriate services for their child (or if a public agency, for a child for whom it has responsibility).

b) A request for an impartial administrative proceeding shall be made in writing to the Department at:

Chief  
Bureau of Administrative Hearings  
Illinois Department of Human Services  
Harris Building  
100 S. Grand Avenue East - 3rd Floor  
Springfield, Illinois 62762

With a copy to the regional intake entity and to:

Chief  
Bureau of Early Intervention  
Illinois Department of Human Services  
623 East Adams - 2nd Floor  
P.O. Box 19429  
Springfield, Illinois 62794-9429

c) The letter requesting the proceeding shall include:

- 1) the name, address, and telephone number of the child's parent, of the person making the request for the proceeding, if it is someone other than the child's parent, and of the child;
- 2) the name of the child and the child's birthdate;

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3) a description or the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem;

4) authorization for release of the child's early intervention service records to the Department and the hearing officer;

5) the remedy being sought or proposed resolution of the controversy to the extent known and available to the parents at the time;

6) the primary language spoken by the parents;

7) the service delivery agency and/or provider involved in the dispute; and

8) evidence supporting the remedy or proposed resolution (i.e., IFSP, FRI, bill payment, etc.).

The letter shall be confidential and only used for purposes of resolution of the dispute and as agreed to by the child's parents.

d) Upon receipt of request for an impartial proceeding, parties involved in the dispute shall be offered the option of mediation as set forth in Section 500.145.

e) During the pendency of any proceeding involving a complaint, unless the parent and the Department agree otherwise, the child must continue to receive the appropriate Part C EI services currently being provided. If the complaint involves application for initial Part C services, the child must receive those services that are not in dispute.

f) The parent shall be informed of free or low cost legal and other related services available in the area if the parent requests that information or the parent or agency initiates a resolution under this Section. Regional intake entities shall maintain that information and make it available upon request or if a proceeding is initiated under this Section.

g) Upon written request for an impartial proceeding, the Department shall appoint an impartial hearing officer. The Department shall maintain a list of hearing officers. An impartial hearing officer must:

- 1) be licensed to practice law in Illinois;
- 2) have knowledge about the provisions of IDEA Part C and the Illinois Early Intervention Services System Act, the needs of eligible children and their families, and services available to them under those statutes;

3) not be an employee of the Department or a State educational agency, LEA or private service provider involved in the provision of early intervention services or care of the child;

4) not have a personal or professional interest that would conflict with his/her objectivity in implementing the process.

h) Complaints under this Part shall be submitted to the Department as soon as possible, but at least within three months after the complainant's knowledge of the disputed activity.

i) Organizations and/or providers and/or individuals with whom the complainant has a dispute shall be parties to the proceeding as deemed necessary by the impartial hearing officer in order to resolve the

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- dispute.
- j) Within five days after receiving written notification from the Department of Human Services, the appointed hearing officer shall contact the parties to determine a time and place reasonably convenient to the parties for a hearing and any pre-hearing conferences. The hearing officer shall provide the parties at least ten days' written notice of the dates, times, and locations of any pre-hearing conferences and of the hearing.
  - k) The hearing officer may conduct a pre-hearing conference either in person or by telephone in order to narrow the issues, determine stipulations by the parties, exchange evidence and names of witnesses, and consider other matters that may aid in efficient disposition of the case. At the conclusion of the pre-hearing conference, the hearing officer will prepare a written report of the conference to be entered into the hearing record memorializing the discussion, any stipulations, and scheduling accommodations made for parties or witnesses.
  - l) Any party to a hearing has a right to:
    - 1) be accompanied (at the party's expense) and advised by counsel and by individuals with special knowledge or training with respect to children with disabilities;
    - 2) present evidence and confront, cross-examine, and compel the attendance of witnesses;
    - 3) prohibit the introduction of any evidence at the proceeding that has not been disclosed to that party at least five days before the proceedings; and
    - 4) obtain a written or electronic verbatim record of the hearing.

- m) Parents involved in hearings must be given the right to:
  - 1) obtain written findings of fact and decision within 45 days after receipt of the request for impartial resolution;
  - 2) have the child who is the subject of the hearing present; and
  - 3) open the hearing to the public (hearings shall be closed to the public unless the parent requests them to be open).
- n) As soon as possible, but at least five business days prior to the hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on those evaluations that the party intends to use at the hearing, as well as other evidence to be offered at hearing and other relevant documentation.
- o) The regional intake entity shall disclose the complete record of the child to the Department within five business days after receipt of the letter requesting a proceeding under this Section.
- p) The hearing officer may bar any party failing to comply with subsection (n) from introducing evidence at hearing that was not produced as required in subsection (n).
- q) The hearing officer is authorized to conduct the hearing, administer oaths, issue subpoenas to compel testimony or production of documents, rule on motions, grant continuances, call or examine witnesses, and

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- take such other action as may be necessary to provide the parties with an opportunity to be heard fairly and expeditiously.
- r) Upon completion of the submission of evidence and testimony, parties shall be given a reasonable period of time to present written or oral arguments.
  - s) The hearing officer shall maintain and prepare a record of the proceeding and shall prepare written findings and a decision that shall be served upon the parties. The record shall contain the letter requesting the proceeding, evidence submitted at the hearing, a transcript or recording of the hearing, prehearing conference reports, motions, orders and all other material that is part of the record.
  - t) Any and all written findings and decisions shall be transmitted to the Illinois Interagency Council on Early Intervention and be made available to the public without personally identifying information.
  - u) Either party may request a delay in convening the hearing and/or the pre-hearing conference for cause. The party requesting the delay shall do so in writing to the hearing officer, with a copy served at the same time to all parties. The requesting party shall set forth the reasons for the request and the hearing officer shall, upon receiving the request, either grant or deny the request. The hearing officer shall contact the Department of Human Services with the date and place of the hearing and pre-hearing conference.
  - v) Any party aggrieved by the findings and decision made in the hearing has a right to bring civil action in a State court of competent jurisdiction or in a district court of the United States regardless of the amount in controversy.

## Section 500.145 Mediation

- a) Parties/Purpose
  - 1) Any party having a dispute involving the identification, evaluation, or placement of a child for early intervention services, or the provision of early intervention services, may request mediation regardless of whether a request for an impartial administrative proceeding has been or will be made. The mediation request may occur prior to or simultaneously with a request for an administrative proceeding and is open to any and all parties (public agencies, private agencies, parents) having standing in the disputes.
  - 2) The purpose of a mediation process is to provide an alternative to the impartial administrative resolution as a way to resolve disagreements between parents and early intervention services personnel. In virtually all cases, it is less costly and less adversarial than an administrative proceeding. Neither party is asked to abandon its beliefs about the child's ability. Rather, the parties are asked to consider alternatives that could be incorporated into the child's Individualized Family Service Plan and to be aware of the concerns and problems expressed by the

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- b) Requests for mediation must be made in writing to:

Chief  
Bureau of Administrative Hearings  
Department of Human Services  
100 S. Grand Ave. East - 3rd Floor  
Harris Building  
Springfield, Illinois 62762

with a copy sent to:

Chief  
Bureau of Early Intervention  
623 East Adams - 2nd Floor  
P.O. Box 19429  
Springfield, Illinois 62794-9429

- c) The written request shall include the name and address of the child and of the person requesting mediation, a description of the nature of the problem of the child, including the facts related to the problem, a proposed resolution to the problem, supporting relevant documentation of the facts, and the name and address of service providers.
- d) If a request for administrative resolution is made, mediation will be offered. Mediation may not be used to delay or deny the right to an administrative resolution or other rights under Part C.
- e) The mediation will be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and who is knowledgeable in laws and regulations relating to early intervention services under Part C. A mediator may not be an employee of an agency providing services to the child at issue nor of the Department, nor have a personal or professional conflict of interest.
- f) The mediation is offered at no cost to the parties. It must be voluntary by all parties.
- g) The mediator shall assure that a mediation conference is convened and concluded in a timely fashion and in no event later than the administrative resolution of a complaint under Section 500.140 if one was requested.
- h) The mediator will contact the parties to set a mutually convenient date, time and location for the mediation conference, to answer any questions the parties may have regarding the process, and to request additional information from the parties.
- i) The role of the mediator is that of a neutral facilitator assisting parents and early intervention personnel to resolve their disagreement. Although the mediator is in control of the session, he/she is not the decision maker and may not compel action by either party. The mediator allows the parties to present their positions,

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establishes an understanding of the disagreement, determines points of agreement, and offers suggestions/proposals for resolution, attempting to help the parties achieve a mutual solution that is in the best interests of the child. The mediator facilitates the process. He or she summarizes positions and may help the parties consider possible alternatives.

- j) If agreement is reached by the parties, it shall be set forth in a written mediation agreement signed by authorized representatives of the parties to the dispute. No record is kept of the discussions at the meeting. The mediation agreement will record only the date of the mediation, the parties to the mediation and terms agreed upon.
- k) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent administrative hearing or civil proceeding. The parties will be asked to sign a confidentiality pledge prior to the commencement of the mediation. Only the fact that mediation occurred and the terms of any mediation agreement reached are admissible in subsequent proceedings.
- l) Participants in the mediation conference should be limited to those necessary to resolution of the dispute and shall include persons authorized to act on behalf of the parties. In determining participants, the parties and mediator should be guided by desire to achieve mutual non-adversarial problem solving with the child's interests and the interests of the EI Services System as the goal.
- m) The parties are expected to approach the mediation session in good faith and with the intention of attempting to reach an agreement. It is important that all parties approach the session with a willingness to listen and to consider all aspects of the issues in the interests of the child and of the EI Services System. They are active participants in the session and, if agreement is reached, develop the terms of the agreement with the assistance of the mediator.
- n) The mediation allows an uninterrupted opportunity for both parties to present their views in a non-adversarial setting. It allows parents and early intervention program personnel to focus on their common concerns, rather than their differences. Even if an agreement is not reached, there is the potential of both parties leaving the session with an enhanced perspective of the issues, and with a more positive working relationship.
- o) Regional intake entities, service coordinators and other participants in the EI Services System shall encourage resolution of disputes by mediation.

## Section 500.150 Confidentiality/Privacy

- a) As used in this Section:
- 1) "Destruction" means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
  - 2) "Records" means the type of records covered under the definition



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of education records in 34 CFR 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974).

3) "participating agency" means any local service provider, service coordinator and regional intake entity that collects, maintains, or uses personally identifiable information, or from which information is obtained, under this Part.

## b) Access rights:

1) Each participating agency shall permit parents to inspect and review any records relating to their children that are collected, maintained, or used by the agency under this Part (including records relating to evaluations/assessments, eligibility determinations, development and implementation of IFSPs, individual complaints dealing with the eligible child, and any other area under this Part involving records about the child and the child's family). The agency shall comply with a request without unnecessary delay and before any meeting regarding an IFSP or any hearing relating to the identification, evaluation, or placement of the child, or the provision of early intervention services to the child, and in no case more than 45 days after the request has been made.

2) The right to inspect and review records under this Section includes:

- A) The right to a response from the local service provider to reasonable requests for explanations and interpretations of the records;
- B) The right to request copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
- C) The right to have a representative of the parent inspect and review the records.

3) A participating agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

## c) Record of access

Each participating agency shall keep a record of parties obtaining access to records collected, maintained, or used under this Part (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

## d) Records on more than one child

If any record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

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e) List of types and locations of information

Each participating agency shall provide parents on request a list of the types and locations of records collected, maintained, or used by the agency.

## f) Fees

1) Each participating agency may charge a fee for copies of records that are made for parents under this Part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

2) A participating agency may not charge a fee to search for or to retrieve information under this Part.

## g) Amendment of records at parent's request

1) A parent who believes that information in the records collected, maintained, or used under this Part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information.

2) The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time after receipt of the request.

3) If the agency decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal, and advise the parent of his or her right to a hearing as set forth in subsection (h).

## h) Hearing regarding records

1) A participating agency shall give the parent an opportunity for a hearing to challenge the content of the agency's records on the grounds that the information in the records is inaccurate, misleading or in violation of privacy rights of the child.

2) The participating agency that generated the record at issue shall hold a hearing within a reasonable time after it has received a hearing request.

3) The participating agency shall give the parent notice of the date, time and place reasonably in advance of the hearing.

4) The hearing may be conducted by an individual, including an official of the participating agency, who does not have a direct interest in the outcome of the hearing.

5) The participating agency shall give the parent a full and fair opportunity to present evidence relevant to the grounds of challenge to the records.

6) The parent may at his/her own expense be assisted or represented by one or more individuals of choice, including an attorney.

7) The participating agency shall make its decision within a reasonable time after the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reason for the decision.

8) If the decision of the agency is that the information challenged is inaccurate, misleading or in violation of the child's privacy



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rights, the participating agency shall:

- A) amend the record accordingly; and
  - B) inform the parent of the amendment in writing.
- 9) If the decision is that the challenged information is not inaccurate, misleading or in violation of privacy rights, the participating agency shall inform the parent of the right to place a statement in the record commenting on the contested information and stating why he or she disagrees with the decision.
- 10) If a statement is placed in the record pursuant to subsection (h)(9), the participating agency shall:
- A) maintain the statement with the contested part of the record for as long as the record is maintained;
  - B) disclose the statement whenever it discloses the contested part of the record; and
  - C) at the parent's written request, disclose the statement to individuals to whom the contested part of the record was previously sent.
- i) Safeguards:
- 1) Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
  - 2) Each agency shall require one official to assume responsibility for ensuring the confidentiality of the information.
  - 3) All persons collecting or using the information shall be trained regarding confidentiality requirements.
  - 4) Each participating agency shall maintain, for public inspection, a current listing of those employees having access to the information.

**Section 500.155 Right to Consent**

a) As used in this Subpart:

- 1) "Consent" means that:
  - A) The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication;
  - B) The parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
  - C) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time;
- 2) "Native language", where used with reference to persons of limited English proficiency, means the language or mode of communication normally used by the parent of a child eligible under this Part;

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3) "Personally identifiable" means that information includes:

- A) The name of the child, the child's parent, or other family member;
- B) The address of the child;
- C) A personal identifier, such as the child's or parent's social security number; or
- D) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

b) Parental consent

- 1) Written parental consent must be obtained before:
  - A) Conducting the initial evaluation/assessment of a child; and
  - B) Initiating the provision of early intervention services.
- 2) If consent is not given, the regional intake entity, the local provider or other participating agency shall make reasonable efforts to ensure that the parent:
  - A) Is fully aware of the nature of the evaluation/assessment or the services that would be available; and
  - B) Understands that the child will not be able to receive the evaluation/assessment or services unless consent is given.
- c) Right to decline services
 

The parents of a child eligible under this Part may determine whether they, their child, or other family members will accept or decline any early intervention services under this Part in accordance with State law, and may decline a service after first accepting it, without jeopardizing other early intervention services under this Part.
- d) Right to written consent regarding exchange of information.
  - 1) Each regional intake entity, local service provider and participating agency shall obtain consent in writing from parents before they collect, maintain or use records as defined in Section 500.150 regarding eligible children.
  - 2) Each agency shall use the records only for the purpose for which they are collected or maintained.
  - 3) Each agency shall maintain the records in a confidential, secure manner, allowing access only as required to serve the eligible child as consented to by the parent, and access as described in Section 500.150.
  - 4) The exchange of records and any personally identifiable information collected, used, or maintained under this Part is precluded without written notice of and written consent to the exchange of information among agencies consistent with federal and State law, or as otherwise allowed by that law.
  - 5) Each agency shall have procedures in writing to ensure compliance with this Section.

**Section 500.160 Surrogate Parents**

- a) The service coordinator shall request ISBE to assign an individual to

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act as surrogate parent of a child who would not otherwise have parental representation, including:

- 1) Each child under the legal responsibility of the State, meaning that the child is a ward of the Court or a State agency has been designated by the Court as the child's legal guardian or legal custodian with the right to consent for major medical treatment; and
  - 2) Each child for whom no parents can be identified or whose parents' whereabouts cannot be discovered after reasonable efforts.
- b) A foster parent may be appointed as a surrogate if he/she meets the requirements of subsection (d). A foster parent may also act as a parent if:

- 1) the natural parents' authority to make parental decisions required for early intervention services have been extinguished under State law; and
- 2) the foster parent has an ongoing, long term parental relationship with the child; is willing to make decisions required of parents in this Part; and has no interest that would conflict with the interests of the child.

c) Surrogates shall be requested through the Illinois State Board of Education.

d) Surrogates may be selected in any way permitted by State law, but shall:

- 1) Have no interest that conflicts with the interests of the child he or she represents;
- 2) Have knowledge and skills that ensure adequate representation of the child; and
- 3) Not be an employee of any State agency or a person or an employee of a person providing early intervention services to the child or to any family member. A person who otherwise qualifies to be a surrogate parent under this Section is not an employee solely because he or she is paid by a public agency to serve as a surrogate parent.

e) A surrogate parent may represent the child in all matters related to:

- 1) The evaluation/assessment of the child;
- 2) Development and implementation of the child's Individualized Family Service Plan, including annual evaluations and periodic reviews;
- 3) The ongoing provision of early intervention services to the child; and
- 4) Any other rights established under this Part.

f) The assignment of a surrogate parent at no times supersedes, terminates or suspends the parent's or guardian's legal authority relative to the child.

## Section 500.165 Written Prior Notice

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## a) General

Written prior notice must be given to the parents of a child eligible under this Part a reasonable time before a participating agency proposes, or refuses, to initiate or change the identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and the child's family.

## b) Content of Notice

The notice must be in sufficient detail to inform the parents about:

- 1) The action that is being proposed or refused;
- 2) The reasons for taking the action;
- 3) All procedural safeguards that are available under this Part; and
- 4) The State complaint procedure under Section 500.170, including a description of how to file a complaint and the timelines under those procedures.

## c) Native language

1) The notice must be written in language understandable to the general public and provided in the native language of the parents, unless it is clearly not feasible to do so.

2) If the native language or other mode of communication of the parent is not a written language, the public agency, or designated service provider, shall take steps to ensure that:

- A) the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
  - B) the parent understands the notice; and
  - C) there is written evidence that the requirements of this subsection (c)(2) have been met.
- 3) If a parent is deaf or blind, or has no written language, the mode of communication must be that normally used by the parent (such as sign language, Braille, oral communication or other mode of communication as determined through consultation with the parent).

## Section 500.170 State Complaint Procedure

a) Individuals or organizations may file written, signed complaints with the Department of Human Services stating that a public agency is violating a law or rule regarding the Part C early intervention program. The statement must contain the facts that support the complaint. The alleged violation must have occurred not more than one year before the date the complaint is received by the Department, unless a longer period is reasonable because:

- 1) The alleged violation continues for that child or other children; or
- 2) The complainant is requesting reimbursement or corrective action for a violation that occurred not more than three years before the complaint is received.

b) The Department shall have 60 calendar days from receipt of the

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complaint to investigate and issue a written decision to the complainant and interested parties, addressing each allegation in the complaint. During this time, the Department may carry out an independent on-site investigation if deemed necessary and must give the complainant an opportunity to submit additional information, either orally or in writing, about the allegations made in the complaint. Complaints must be submitted in writing to:

Chief  
Bureau of Early Intervention  
Department of Human Services  
623 East Adams - 2nd Floor  
P.O. Box 19429  
Springfield, Illinois 62794-9429

- c) After reviewing all relevant information, the Department must issue a written decision to the complainant and the subject of the complaint as to whether the public agency is violating a requirement of Part C, addressing each allegation in the complaint and containing findings of fact as well as conclusions, the reasons for the final decision, and, if the complaint was found to be valid, corrective actions required to correct the causes of the complaint.
- d) Final decisions are enforceable and binding. They may be amended only upon agreement in writing between the Department and the organization or individual upon whom corrective actions are imposed.
- e) Organizations or individuals upon whom corrective actions are imposed may request reasonable technical assistance or alternative corrective actions. However, these requests do not change the final decision unless it is amended in writing between the Department and the party.
- f) The 60 day time period in subsection (b) may be extended if exceptional circumstances exist with respect to a particular complaint.
- g) The lead agency shall monitor implementation of the final decision to determine that corrective actions and timelines have been met.
- h) Organizations or individuals upon whom corrective actions are imposed may be terminated from participation in Part C programs if corrective actions are not met.
- i) If an issue raised in a written complaint (or any part of a complaint) is also the subject of an administrative resolution under Section 500.140, the Department must set aside any part that is being addressed under the procedure in Section 500.140 but resolve any other issues within the 60 day timeline.
- j) If an issue is raised in a written complaint that has already been decided in a proceeding under Section 500.140, the previous decision is binding and the complainant must be so informed.
- k) A complaint alleging failure of a public agency or private service provider to implement a decision under Section 500.140 must be resolved by the Department.

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## Section 500. APPENDIX A Sliding Fee Schedule

	FAMILY SIZE				
	2	3	4	5	+1*
No Fee/Mo					
(0 Fee/Yr)	0 to	0 to	0 to	0 to	0 to
0%-185% FPL	20,813	26,178	31,543	36,908	5,365
\$10/Mo					
(\$120/Yr)	20,814-	26,179-	31,544-	36,909-	5,365-
186-200% FPL	22,500	28,300	34,100	39,900	5,800
\$20/Mo					
(\$240/Yr)	22,501-	28,301-	34,101-	39,901-	5,800-
201-250% FPL	28,125	35,375	42,625	49,875	7,250
\$30/Mo					
(\$360/Yr)	28,126-	35,376-	42,626-	49,876-	7,250-
251-300% FPL	33,750	42,450	51,150	59,850	8,700
\$40/Mo					
(\$480/Yr)	33,751-	42,451-	51,151-	59,851-	8,700-
301-350% FPL	39,375	49,525	59,675	69,825	10,150
\$50/Mo					
(\$600/Yr)	39,376-	49,526-	59,676-	69,826-	10,150-
351-400% FPL	45,000	56,600	68,200	79,800	11,600
\$65/Mo					
(\$780/Yr)	45,001-	56,601-	68,201-	79,801-	11,600-
401-500% FPL	56,250	70,750	85,250	99,750	14,500
\$80/Mo					
(\$960/Yr)	56,251-	70,751-	85,251-	99,751-	14,500-
501-600% FPL	67,500	84,900	102,300	119,700	17,400
\$100/Mo					
(\$1200/Yr)	67,501	84,901	102,301	119,701	17,400
600% FPL	and above	and above	and above	and above	

\*For larger family sizes than 5, add the amount in the +1 column for each additional family member.

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\*\*Table is based on the 2000 Federal Poverty Level Guidelines and will be updated annually.

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1) Heading of the Part: Early Start Program

2) Code Citation: 89 Ill. Adm. Code 502

3) Section Numbers: Proposed Action:

502.10	New
502.15	New
502.20	New
502.25	New
502.30	New
502.35	New
502.40	New
502.45	New
502.50	New
502.55	New
502.60	New
502.65	New
502.70	New
502.75	New
502.80	New
502.85	New
502.90	New
502.95	New
502.100	New
502.105	New
502.110	New
502.115	New

## APPENDIX A

- 4) Statutory Authority: Implementing and authorized by the Maternal and Child Health Services Block Grant, Title V of the Social Security Act, 42 USC 701 et seq.; by the Illinois Community Services Act, 405 ILCS 30; by the Infant Mortality Reduction Act, 410 ILCS 220; and by the Department of Human Services Act [20 ILCS 1305].
- 5) A Complete Description of the Subjects and Issues Involved: These rules provide for a state-wide service delivery system for children with mild or moderate developmental delays, or who are at risk of such delays, but who are not eligible for the State's Early Intervention Program. The rules provide for consistent evaluation and assessment, service planning, service delivery, provider requirements, funding mechanisms, and Department monitoring.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No



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- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking with 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Building  
Springfield, Illinois 62762  
217/785-9772

If because of physical disability you are unable to put comments in writing, you may make them orally to the person listed above.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Contractors who provide Early Start services.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated at the time the agency filed its most current Regulatory Agenda.

The full text of the Proposed Rules begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF HUMAN SERVICESPART 502  
EARLY START PROGRAM

## SUBPART A: GENERAL PROVISIONS

Section	Purpose
502.10	Incorporation by Reference
502.15	Definitions
502.20	
SUBPART B: COMPONENTS OF THE STATEWIDE SYSTEM	
502.25	Intake Entities
502.30	Eligibility
502.35	Early Start Services
502.40	Provider Qualifications and Enrollment
502.45	Monitoring

## SUBPART C: SERVICE DELIVERY REQUIREMENTS

502.50	Intake
502.55	Service Plan Development
502.60	Service Plan Implementation
502.65	Service Plan Updating
502.70	Case Transfer
502.75	Transition to Part B or Other Appropriate Services at Age Three
502.80	Case Closure
502.85	Recordkeeping
502.90	Service Provider Requirements

## SUBPART D: FINANCIAL MATTERS

502.95	Billing Procedures
502.100	Payor of Last Resort
502.105	Family Fees
502.110	Insurance
502.115	Payment for Services

## APPENDIX A Sliding Fee Schedule

AUTHORITY: Implementing and authorized by the Maternal and Child Health Services Block Grant, Title V of the Social Security Act (42 USC 701 et seq.); by the Illinois Community Services Act [405 ILCS 30]; by the Infant Mortality Reduction Act [410 ILCS 220]; and by the Department of Human Services Act [20

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ILCS 1305].

SOURCE: Adopted at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 502.10 Purpose

The requirements contained in this Part are to define implementation of Early Start and describe the statewide Early Start program.

## Section 502.15 Incorporation by Reference

Any rules or standards of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

## Section 502.20 Definitions

"Department" means the Illinois Department of Human Services.

"Early Start services" means services that:

are designed to meet the developmental needs of each child eligible under this Part and the needs of his or her family;

are selected in collaboration with the child's family, based upon and determined by an appropriate evaluation as set forth in this Part;

are designed to assist a family in meeting its child's developmental needs in any of the following areas:

- cognitive development;
- physical development, including vision and hearing;
- language, speech and communication development;
- social emotional development; or
- adaptive/self help skills development;

are provided by qualified personnel, as set forth in Section 502.40; and

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are provided in conformity with a Service Plan.

"Eligible children" or "eligible child" means infants and toddlers under 36 months of age with any of the following conditions:

Developmental delay; or

At risk of having mild or moderate developmental delays, according to informed clinical judgment.

"Developmental delay" means a Department determined eligible level of delay (30% 49%) in one or more of the following areas of childhood development: cognitive; physical, including vision and hearing; language, speech and communication; social emotional; or adaptive/self help skills, as measured by Department approved diagnostic instruments and standard procedures or as confirmed through informed clinical judgment if the child is unable to be appropriately and accurately tested by the standardized measures available. At least annually, the Department shall determine the level of delay required for eligibility.

"At risk of mild or moderate developmental delay, according to informed clinical judgment" means that there is consensus that development of a Department determined eligible level of delay (30% 49%) is probable if Early Start services are not provided, because a child has either:

a parent who has been medically diagnosed as having a severe disorder as set forth under axis I and axis II of the Diagnostic and Statistical Manual (DSM) IV or a developmental disability; or

three or more of the following risk factors:

- current alcohol or substance abuse by the primary caregiver;
- primary caregiver who is currently less than 15 years of age;
- current homelessness of the child;
- a diagnosis of Relationship or Attachment Disorder in the child (as set forth in DSM IV);
- chronic illness of the primary caregiver;
- alcohol or substance abuse by the mother during

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pregnancy with the child;

primary caregiver with a level of education equal to or less than the 10th grade, unless that level is appropriate to the primary caregiver's age;

an indicated case of abuse or neglect regarding the child and the child has not been removed from the abuse or neglect circumstances.

"Evaluation/Assessment" or "Evaluation" means the initial and ongoing procedures used by appropriate qualified personnel to determine:

a child's eligibility under this Part in accordance with the definition of "eligible children";

the child's status in each of the developmental areas set forth in "Early Start services";

the child's unique strengths and needs;

the services appropriate to meet those needs;

the resources, priorities, and concerns of the family; and

the supports and services necessary to enhance the family's capacity to meet the developmental needs of their infant or toddler with a disability.

"Intake entity" means the Department's contracted entity responsible for implementation of Early Start.

"Parent" means a parent, a guardian or a person acting as a parent of a child.

"Part B" means Part B of the Individuals with Disabilities Education Act (20 USC 1400 et seq.) (IDEA) governing "Assistance for Education of All Children with Disabilities".

"Service Plan" or "plan" means a written plan for providing Early Start services to an eligible child and the child's family.

"Transition" is the process of transferring eligible children receiving Early Start services under this Part out of such services to Part B services or to other appropriate developmental or educational services.

## SUBPART B: COMPONENTS OF THE STATEWIDE SYSTEM

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## Section 502.25 Intake Entities

The Department will designate intake point and service coordination systems throughout the State. These entities shall be the contracted entities responsible for implementation of the Early Start program. The intake entity shall:

- a) Provide adequate accessible space/facilities to store permanent Early Start records and to house staff.
- b) Select, train, and supervise qualified staff to carry out the following tasks within the system specified time frames:
  - 1) Receive referrals;
  - 2) Develop, maintain and process the permanent Early Start case record in accordance with policies set forth by the Department;
  - 3) Provide information about the Early Start program to families and initiate intake with parental consent;
  - 4) Coordinate Early Start services for enrolled families;
  - 5) Ensure that eligibility is determined according to the Department's Early Start eligibility criteria;
  - 6) Comply with family fee policies and procedures as set by the Department;
  - 7) Develop the initial Service Plan with the family, within a reasonable time frame;
  - 8) Monitor that the integrity of the Service Plan process is maintained and completed through accurate, timely and complete implementation of the services as mutually determined and agreed to in the Service Plan and consented to in writing by the child's parent/guardian;
  - 10) Assist the family in monitoring Service Plan implementation and obtain updated documentation from service providers listed on the Service Plan, communicating regularly with the family;
  - 11) Assure that Service Plans are reviewed periodically and updated annually;
  - 12) Assure that transition planning, case transfer and case closure occur; and
  - 13) Be knowledgeable of and comply with all applicable federal and State laws, guidelines, procedures, rules, regulations, and executive orders.
- c) Assist families in accessing financial resources for Early Start services by making appropriate referrals while the child is enrolled with the Early Start program and at transition.
- d) Maintain contact with all Early Start providers in the service area.
- e) Participate in routine monitoring and technical assistance activities as required by the Department, including on site monitoring, data collection and reporting obligations, record reviews, financial audits, complaint investigations, and consumer satisfaction surveys.

## Section 502.30 Eligibility

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- a) An Illinois child under the age of 36 months and his or her family are eligible for services set forth in this part if the child:
  - 1) is experiencing a Department determined eligible level of delay; or
  - 2) is, according to informed clinical judgment, at risk of a Department determined eligible level of delay.
- b) Eligibility shall be re determined annually.
- c) If a family removes a child from services prior to reaching age three years and the child is later referred again, the child must meet eligibility criteria in effect at the time of the subsequent referral in order to be re enrolled.
- d) Eligibility does not assure the authorization of services. Services shall be authorized to the extent appropriation is available.

**Section 502.35 Early Start Services**

Early Start services as defined in Section 502.20 may include the following if and to the extent deemed necessary under the Service Plan. Family Education and Support services and Developmental Consultation and Therapeutic Services shall be provided by qualified specialists, based on the needs of the child and family. Service types, duration, frequency and intensity must be pre approved and authorized by the Department or its designee.

- a) Developmental therapy services for the purposes of evaluation/assessment; Service Plan development; provider to provide consultation and treatment planning that leads to achieving Service Plan outcomes; special instruction activities defined in the Service Plan that promote acquisition of skills in various developmental areas, including cognitive processes and social interaction; and provision of information and support related to enhancing the child's skill development. Family training, education and support shall also be provided to assist the child's family in understanding the child's special needs as related to developmental therapy services and to enhancing the child's development.
- b) Family training and support by an interpreter to assist non English speaking families without other interpretation support in understanding the Service Plan and other Early Start activities.
- c) Occupational therapy services to address the functional needs of a child related to adaptive development; adaptive behavior and play; and sensory, motor, and postural development. These services are designed to improve the child's functional ability to perform tasks in home, school, and community settings and include evaluation/assessment and intervention; prevention or minimization of the impact of initial or future impairment, delay in development, or loss of functional ability. Family training, education and support shall also be provided to assist the child's family in understanding the child's needs as related to occupational therapy services and to enhancing the child's development.
- d) Physical therapy services to address the promotion of sensorimotor

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function through enhancement of musculoskeletal status, neurobehavioral organization, perceptual and motor development, cardiopulmonary status, and effective environmental adaptation. These services include evaluation/assessment of infants and toddlers to identify movement dysfunction; obtaining, interpreting, and integrating information appropriate to program planning to prevent, alleviate, or compensate for movement dysfunction and related functional problems; and providing individual and group services or treatment to prevent, alleviate, or compensate for movement dysfunction and related functional problems. Family training, education and support shall also be provided to assist the child's family in understanding the child's needs as related to physical therapy services and to enhancing the child's development.

- e) Speech language therapy services for the purposes of evaluation/assessment activities to identify communicative or oropharyngeal disorders and delays in development of communication skills, including the diagnosis and appraisal of specific disorders, and delays in those skills; referral for medical or other professional services necessary for the habilitation or rehabilitation of children with communicative or oropharyngeal disorders and delays in development of communication skills; and provision of services for the habilitation, rehabilitation, or prevention of communicative or oropharyngeal disorders and delays in development of communication skills. Family training, education and support shall also be provided to assist the child's family in understanding the child's needs as related to speech therapy services and to enhancing the child's development.

**Section 502.40 Provider Qualifications and Enrollment**

- a) An individual shall meet the pertinent licensing, degree and/or certification requirements for the service to be provided, as set forth by the Department.
- b) Qualified individuals must enroll with the Department in order to bill for Early Start services provided to eligible children.
- c) Enrolled individuals must meet minimum requirements for continuing professional education as set forth by the Department.
- d) Enrollment alone does not guarantee that Early Start services provided will be reimbursable. Services must be authorized by the Department in order to be reimbursable. Authorizations may be discontinued subject to appropriation availability.

**Section 502.45 Monitoring**

- a) The Department, or its designee, will conduct monitoring of the Early Start program. Visits may occur at any time. Desk reviews may also be performed and families may be interviewed. The intake entities shall help the Department in obtaining representative family



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interviews.

- b) In addition to any other rights the Department may have under contract with the intake entity, the Department may suspend the contract, or withhold or suspend payments to the intake entity due to noncompliance with this Part. Suspensions and holds may be lifted upon completion of satisfactory corrective action, or demonstration of satisfactory progress towards completion. If an acceptable corrective action plan is not submitted in the required time frame, or the terms of the corrective action plan are not met by the provider, the Department may terminate the contract. This Section does not preclude the Department from exercising any rights it may have under its contract with the intake entity.
- c) The Department may also visit and review records of enrolled providers to assure compliance with applicable laws, regulations and Service Provider Agreements. Visits may occur at any time.
- d) The Department may also submit written reports to individual providers regarding provider non compliance and issues of concern.
- e) Providers receiving those reports shall submit a corrective action plan within 30 days proposing timelines for addressing issues of compliance.
- f) In addition to other rights the Department may have, it may terminate its Service Provider Agreement with a provider due to non compliance, and arrange for the provision of services to eligible children by other providers. This Section does not preclude the Department from exercising any rights it may have under the Service Provider Agreement.

## SUBPART C: SERVICE DELIVERY REQUIREMENTS

## Section 502.50 Intake

- a) Upon receiving a referral, intake entities shall ensure that evaluation, eligibility determination, assessments in all five developmental domains listed in Section 502.20 and development of the initial Service Plan are completed with the family within a reasonable time frame.
- b) Intake entities shall provide service coordination for each family.
- c) Upon receipt of informed consent from the child's parent, the service coordinator shall proceed with intake activities that shall include:
  - 1) Establishment of the child's permanent and electronic record with the intake entity;
  - 2) Completion of Department required intake forms;
  - 3) Request of existing records regarding the child's need for services;
  - 4) Review of existing records to identify whether additional information is needed to determine if the child meets State established eligibility criteria; and
  - 5) Assisting the family in coordination of evaluation and assessment

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activities.

## Section 502.55 Service Plan Development

The Service Plan will:

- a) Be developed by the intake entity in consultation with the family.
- b) Be based on the evaluation/assessment of the child.
- c) Follow the Department's established format.
- d) Include a statement of the major outcomes expected to be achieved for the child and family, and the criteria, procedures and timelines used to determine:
  - 1) The degree that progress toward achieving the outcomes is being made; and
  - 2) Whether modifications or revisions of the outcomes or services are necessary.
- e) State the specific Early Start services that, consistent with Department guidelines, are necessary to meet the unique needs of the child and family to achieve the outcomes identified in the Service Plan, including:
  - 1) The frequency and intensity of each service, meaning the number of times a service will be provided within a given period and the length of time the service will be provided during each session;
  - 2) The method of delivering the services, meaning whether the service will be provided on a group or individual basis;
  - 3) The location in which Early Start services will be provided; and
  - 4) The projected beginning dates as soon as possible after development of the Service Plan and the duration or ending dates of the services.
- f) During and as part of the Service Plan development, and any changes to the Service Plan, the regional intake entity shall consult Department developed therapy guidelines and Department designated experts, if any, to help determine appropriate services, and frequency and intensity of those services. Services beyond those recommended must be sufficiently justified in order to be included in the Service Plan. (The therapy guidelines shall become effective when finalized by the Department and distributed to the intake entities.)
- g) The name of the service coordinator qualified to carry out all applicable responsibilities who will be responsible for implementation of the Service Plan and coordination with other agencies and persons.
- h) The steps to be taken to support the transition of the child to preschool services under Part B of the Individuals With Disabilities Education Act to the extent that those services are considered appropriate or to other services that may be available, if appropriate. The steps include:
  - 1) Discussions with and training of parents regarding future placements and other matters related to the child's transition at age three years;
  - 2) Procedures to prepare the child and family for changes in service

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delivery, including steps to help the child adjust to and function in a new setting; and

3) With informed parental consent, the transmission of information about the child to the local educational agency to ensure continuity of services, including evaluation information and copies of the Service Plan.

**Section 502.60 Service Plan Implementation**

- a) Upon receiving informed consent from the child's parent to implement the approved Service Plan, the service coordinator shall:
- 1) Arrange for implementation of the Service Plan utilizing available enrolled providers;
  - 2) Provide copies of the Service Plan to each person the parent has consented to receive a copy;
  - 3) Request direct service reports and monitor provision of services; and
  - 4) Update and maintain the child's permanent and electronic record with the intake entity during the Service Plan period.
- b) Providers shall render authorized services as indicated on the Service Plan. They shall provide direct service reports to the service coordinator at least every six months and prior to each Service Plan update/review or more often if the child's progress/lack of progress warrants.

**Section 502.65 Service Plan Updating**

- a) At least annually, or more frequently if conditions warrant, the service coordinator shall review the Service Plan with the child's parent and other appropriate participants. The review may be carried out by a meeting or other reasonable means.
- 1) The purpose of the review is to determine:
    - A) The degree that progress toward achieving the outcomes is being made; and
    - B) Whether modification or revision of the outcomes, services or supports is necessary.
  - 2) The service coordinator shall facilitate implementation of any changes and shall update the child's permanent and electronic record.
- b) The results of any current and ongoing evaluations of the child and family must be used in Service Plan reviews and for annual re determination of eligibility and service needs.
- c) The service coordinator shall facilitate implementation of the annual Service Plan by conducting the activities outlined in Section 502.60, including arranging for review and approval of the proposed annual service plan by the Department or its designee.

**Section 502.70 Case Transfer**

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When an eligible child moves to another intake region within Illinois:

- a) With consent of the parent, the prior regional intake entity shall transfer a copy of the child's permanent and electronic record to the new regional intake entity, maintaining a copy of the child's permanent record as a closed file.
- b) With consent of the parent, the new regional intake entity shall assist the family in initiating services in the new region. The new service coordinator shall meet with the family as soon as possible to arrange new providers for the services on the child's Early Start Service Plan if the original providers are not able to continue serving the child and family in the new region.

**Section 502.75 Transition to Part B or Other Appropriate Services at Age Three**

Children receiving services under this Part shall receive a smooth and effective transition to appropriate preschool programs under Part B of IDEA or to other appropriate services for 3 year olds, by their third birthday. The service coordinator shall make all reasonable efforts to assist the family in obtaining continuity and coordination of services during the child's transition out of Early Start.

**Section 502.80 Case Closure**

- a) When a child exits Early Start services, the service coordinator shall update and close the child's permanent and electronic record with the intake entity.
- b) If an eligible child moves to another state:
- 1) The intake entity shall:
    - A) Provide the family with information about how to contact the Early Intervention program in the new state;
    - B) Update and close the child's permanent and electronic record; and
    - C) Maintain the child's original permanent record as a closed file.
  - 2) The Illinois Early Start program shall not fund services for a child and family who no longer reside in Illinois.
  - c) The intake entity and providers shall store closed records as set forth in Section 502.85.

**Section 502.85 Recordkeeping**

- a) All service providers, service coordinators, and intake entities shall collect, compile and maintain appropriate records as required in this Part and as required by pertinent professional standards regarding services provided under this Part.
- b) The Early Start record shall contain at least:
- 1) Identifying information including name, Medicaid recipient identification number, address and telephone number, sex, date of

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- birth, primary language or method of communication, parent or emergency contact, date of initial contact and initiation of Early Start services, income information, public and private insurance and other third party coverage, and source of referral;
- 2) Documentation of appropriate consents for Early Start services and releases of information;
  - 3) Evaluation reports;
  - 4) A current and any past Service Plans, progress notes and reviews and documentation of the relationship of the services to the Service Plan goals and child and family progress;
  - 5) Documentation of known child and family movement (referral/transfer) during any active service period to or from the provider's programs or to or from other providers;
  - 6) Documentation of any refusal of services and/or referrals;
  - 7) Direct service reports to support each Early Start service rendered;
  - 8) Periodic reviews describing the child's overall progress; and
  - 9) Documentation of Medicaid, State Child Health Insurance Program or Division of Specialized Care for Children (DSCC) eligibility or ineligibility.
- c) Service providers, service coordinators and intake entities shall permit access to such records by the Department. They shall obtain consent from clients, upon initiation of services to allow the release of records to the above for the purpose of providing services, paying for services and monitoring the provision of services.
  - d) The compilation, maintenance, storage of and access to records shall be governed by written policies and procedures.
  - e) Facilities for the handling, processing and storage of records, whether hard copy, magnetic tapes, computer files, or other automated systems, shall be secured from unauthorized access, theft, loss, or fire or other natural occurrences.
  - f) All entries to records shall be current, legible and dated and the author shall be designated. If hard copy, the author shall sign the entry.
  - g) The intake entity is responsible for maintaining a complete Early Start record as set forth in subsection (b) above for each enrolled child in the intake region.
  - h) Each service provider is required to keep documentation adequately supporting Early Start services provided.
  - i) Records described in this Section shall be maintained for a period of at least 5 years from the child's discharge from Early Start services, or until any outstanding audit reviews or exceptions are closed to the satisfaction of the Department, or until any active or pending legal action, hearing request, complaint or other administrative or legal proceedings regarding them are resolved, whichever comes later. Destruction of records shall be consistent with pertinent laws.
  - j) Records shall be maintained in a confidential manner and consistent with pertinent federal and State laws.

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## Section 502.90 Service Provider Requirements

Service providers shall comply with the requirements set forth in the Provider Agreement and this Part and with applicable laws and licensure regulations.

## SUBPART D: FINANCIAL MATTERS

## Section 502.95 Billing Procedures

- a) Authorized services shall be billed through the Department's centralized billing system, in accordance with billing instructions provided to Early Start providers by the Department.
- b) Providers enrolled pursuant to requirements set forth in Section 502.40 shall receive payment for authorized services.
- c) Direct services shall be reimbursed at a Department established rate.
- d) Services shall be authorized prior to billing.
- e) Providers shall maintain and make available to the Early Start system, for a minimum of 5 years, adequate books, records and supporting documents regarding provision of and billing for services, and shall comply with other recordkeeping requirements as set forth in Section 502.85.

## Section 502.100 Payor of Last Resort

Early Start providers shall bill the Department's centralized billing system as payor of last resort for authorized services pursuant to requirements set forth in Section 502.115. Early Start funds may be used only for services that a child is not otherwise eligible for under any other federal, State, local or private source (including, but not limited to, Medicaid (Title XIX), the State Child Health Insurance Program (Title XXI), or the Division of Specialized Care for Children (Title V) program and private insurance. Nothing contained in this Part shall authorize or require the Department to provide payment for medical services that would otherwise be paid by Medicaid, any other medical insurance plan or policy, or other third party payer.

## Section 502.105 Family Fees

- a) A statewide sliding fee schedule, established by the Department for Early Start services set forth in Section 502.35, is listed in Appendix A of this Part.
- b) Family fees will be waived when eligible children have Medicaid or State Child Health Insurance Program coverage.
- c) Family fees shall not exceed the Department's costs of the family's Early Start services and will be collected by the Department or its designee.
- d) The Department shall be authorized to raise fees or use other methods of cost coverage/containment during the year to ensure that Early Start benefits paid under this Part do not exceed the amounts



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appropriated for those Early Start benefits.

**Section 502.110 Insurance**

- a) Families with insurance coverage shall be required to use their insurance benefits for Early Start services before accessing Early Start funding.
- b) Payment for authorized services for a family with public or private insurance benefits shall not be made until insurance has paid or rejected the claim.
- c) Families eligible for public insurance shall be required to enroll in that insurance before accessing Early Start funding.

**Section 502.115 Payment for Services**

Payment for services are subject to the availability of funds as determined by the Department.

- a) If the Department determines, based upon its own internal auditing and record keeping systems, at any time, that it does not have or will not have sufficient funds to provide payments for authorized services, the Department will require intake entities to:
  - 1) Track children needing services;
  - 2) Cease requesting authorizations for services until funding is available; and
  - 3) Notify providers of any services for which authorizations will be discontinued.

- b) The Department may take any other actions during the year to ensure that Early Start benefits paid under this Part do not exceed the amounts appropriated for Early Start benefits.

- c) If the Department determines, due to non availability of funds, that it is unable to pay for an authorized service, it shall give notice and discontinue the authorization any time up to the point at which services have been provided. In the event any authorization is discontinued pursuant to this limitation, any charges incurred for services rendered after the date of discontinuation shall not be the obligation of the Department.

- d) The Department will establish maximum dollar amounts for payment for authorized services that shall be applied to each child, based on that child's category of eligibility.

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**Section 502.APPENDIX A Sliding Fee Schedule**

	FAMILY SIZE				
	2	3	4	5	+1*
No Fee/Mo (0 Fee/Yr)	0 to	0 to	0 to	0 to	
0%-185% FPL	20,813	26,178	31,543	36,908	5,365
\$10/Mo (\$120/Yr)	20,814-	26,179-	31,544-	36,909-	5,365-
186-200% FPL	22,500	28,300	34,100	39,900	5,800
\$20/Mo (\$240/Yr)	22,501-	28,301-	34,101-	39,901-	5,800-
201-250% FPL	28,125	35,375	42,625	49,875	7,250
\$30/Mo (\$360/Yr)	28,126-	35,376-	42,626-	49,876-	7,250-
251-300% FPL	33,750	42,450	51,150	59,850	8,700
\$40/Mo (\$480/Yr)	33,751-	42,451-	51,151-	59,851-	8,700-
301-350% FPL	39,375	49,525	59,675	69,825	10,150
\$50/Mo (\$600/Yr)	39,376-	49,526-	59,676-	69,826-	10,150-
351-400% FPL	45,000	56,600	68,200	79,800	11,600
\$65/Mo (\$780/Yr)	45,001-	56,601-	68,201-	79,801-	11,600-
401-500% FPL	56,250	70,750	85,250	99,750	14,500
\$80/Mo (\$960/Yr)	56,251-	70,751-	85,251-	99,751-	14,500-
501-600% FPL	67,500	84,900	102,300	119,700	17,400
\$100/Mo (\$1200/Yr)	67,501	84,901	102,301	119,701	17,400
600% FPL	and above	and above	and above	and above	

\*For larger family sizes than 5, add the amount in the +1 column for each additional family member.



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\*\*Table is based on the 2000 Federal Poverty Level Guidelines and will be updated annually.

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1) Heading of the Part: Managed Care Dental Plans

2) Code Citation: 50 Ill. Adm. 5425

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
5425.10	New Section
5425.20	New Section
5425.30	New Section
5425.40	New Section
5425.50	New Section
5425.60	New Section
5425.70	New Section
5425.80	New Section
5425.90	New Section

4) Statutory Authority: Implementing and authorized by the Dental Care Patient Protection Act [215 ILCS 109], and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to implement the Dental Care Patient Protection Act. This Part will set forth guidelines for the formation of an advisory committee; require the filing and approval of a summary description and grievance procedure for managed care dental plans; and identify the point of service plan filing requirements.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rule contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed rules pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Hamilton  
Rules Unit Supervisor  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001

David Van Lieshout  
Assistant Chief Counsel  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001

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(217) 785-8560

(217) 782-2867

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This new rule will affect managed care dental plans, as that term is defined in Section 5425.30 of this Part.

B) Reporting, bookkeeping or other procedures required for compliance: Please see Section 5425.50, 5425.60 and 5425.70 for plan filing requirements.

C) Types of professional skills necessary for compliance: Administrative, secretarial and clerical skills will be necessary to meet the actual filing requirements of this Part.

13) Regulatory Agenda on which this Rule was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: It appeared on the January 2000 agenda.

The full text of the Proposed Rules begins on the next page:

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TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER kkk: HEALTH CARE SERVICE PLANS

PART 5425

MANAGED CARE DENTAL PLANS

Section	Purpose
5425.10	Applicability
5425.30	Definitions
5425.40	Dental Managed Care Advisory Committee
5425.50	Filing and Approval of Summary Description
5425.60	Filing and Approval of Grievance Procedure
5425.70	Filing of Point of Service Plan Requirements
5425.80	Material Modification to Summary Description, Grievance Procedure or Point of Service Plan
5425.90	Enforcement and Penalties

**AUTHORITY:** Implementing and authorized by the Dental Care Patient Protection Act [215 ILCS 109] and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

**SOURCE:** Adopted at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 5425.10 Purpose**

The purpose of this Part is to implement the Dental Care Patient Protection Act. This Part will set forth guidelines for the formation of an advisory committee; require the filing and approval of a summary description and grievance procedure for managed care dental plans; and identify the point of service plan filing requirements.

**Section 5425.20 Applicability**

This Part applies to all managed care dental plans as defined in Section 5425.30 of this Part.

**Section 5425.30 Definitions**

Act means the Dental Care Patient Protection Act [215 ILCS 109].

Code means the Illinois Insurance Code [215 ILCS 5].

Dental Director means the dental director of the Illinois Department of Public Health.

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Dentist means a person licensed to practice dentistry in this State pursuant to the Illinois Dental Practice Act [225 ILCS 25].

Department means the Illinois Department of Insurance.

Director means the Director of the Illinois Department of Insurance.

Enrollee means an individual and his or her dependents who are enrolled in a managed care dental plan.

Grievance means a written notice relating to the managed care dental plan's determinations, procedures, and administration primarily expressing a complaint to the managed care dental plan by, or on behalf of, the enrollee, or by the dental care provider.

Managed Care Dental Plan or Plan means a plan that establishes, operates, or maintains a network of dentists that have entered into agreements with the plan to provide dental care services to enrollees to whom the plan has the obligation to arrange for the provision of or payment for services through organizational arrangements for ongoing quality assurance, utilization review programs, or dispute resolution. Managed care dental plans do not include employee or employer self-insured dental benefit plans under the federal ERISA Act of 1974.

Reasonable Travel Distance means a normal commute of no more than 30 miles or 30 minutes.

#### Section 5425.40 Dental Managed Care Advisory Committee

Pursuant to Section 15 of the Act [215 ILCS 109/15] the Director is authorized to convene an advisory committee for the purpose of providing counsel and gathering clinical advice concerning dental managed care issues.

a) Such advisory committee shall be comprised as follows:

- 1) There will be a total of 5 members all of whom shall be dentists licensed to practice dentistry in this State pursuant to Section 15 of the Act [215 ILCS 109/15]; and
- 2) Two of the 5 members shall be dental directors from a managed care dental plan, or be a dentist designee on behalf of a plan, that is subject to the requirements of this Part and the Act; and
- 3) Two of the remaining 3 members shall be general dentists; and
- 4) The 1 remaining member shall be the dental director as defined in Section 5425.30 of this Part.

b) Each member of the advisory committee, except the dental director, shall be appointed by the Director for a term of 3 years. One additional term may be served if the member is re-appointed by the Director. When making appointments and/or filling vacancies to the advisory committee, the Director shall give due consideration to written recommendations submitted by professional dental

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organizations.

c) The advisory committee shall meet every 6 months. More frequent meetings are permissible, but will be scheduled at the discretion of the Director.

#### Section 5425.50 Filing and Approval of Summary Description

A managed care dental plan shall file a summary description of coverage for approval by the Department. The summary description shall contain all terms of coverage required by Section 25 of the Dental Care Patient Protection Act [215 ILCS 109/25]. The initial summary description shall be filed with the annual financial statement by March 1, 2002, pursuant to Section 2-7 of the Health Maintenance Act [215 ILCS 125/2-7], Section 2007 of the Limited Health Service Organization Act [215 ILCS 130/2007], Section 21 of the Voluntary Health Services Act [215 ILCS 165/21], Section 36 of the Dental Service Plan Act, [215 ILCS 110/36] and Section 136 of the Code [215 ILCS 5/136]. In addition, each managed care dental plan is required to file a list of all participating dentists each year with its annual financial statement. Subsequent filings of the summary description will only be required pursuant to Section 5425.80 of this Part, if material modifications occur.

#### Section 5425.60 Filing and Approval of Grievance Procedure

Every managed care dental plan shall submit for the Director's approval, and thereafter maintain, a system for the resolution of grievances pursuant to Section 35(n) of the Act [215 ILCS 109/35(n)]. The initial grievance procedure shall be filed with the annual financial statement by March 1, 2002. Subsequent filings of the grievance procedure will only be required, pursuant to Section 5425.80 of this Part, if material modifications occur.

#### Section 5425.70 Filing of Point of Service Plan Requirements

Every managed care dental plan that is required to offer a point of service plan pursuant to the Act, except those plans that are licensed pursuant to Section 1001 of the Limited Health Service Organization Act [215 ILCS 130/1001] shall be required to file a description of its point of service plan with the Department.

a) The filing shall be comprised of:

- 1) A managed care dental plan filing and an indemnity filing. Such filing shall be coordinated by the managed care dental plan. The filing must contain reasonable financial incentives for the point of service member to utilize dental services provided or arranged by the designated managed care dental plan primary care provider and shall include:
  - A) Copies of all policy forms necessary to implement the point of service plan, including the member handbook used to integrate the services provided by the managed care dental plan and the benefits provided by the indemnity carrier; and

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- B) Enrollment application and member identification card disclosing the name of both the managed care dental plan and the indemnity carrier; and
- C) Solicitation material; and
- D) Copies of all administrative service contracts between the managed care dental plan and indemnity carrier detailing their respective responsibilities and obligations in offering a point of service plan; and
- E) The managed care dental plan shall include in its rate filing the rate level justification and a demonstration of how the out-of-network indemnity benefits to be provided by the indemnity carrier will impact on the managed care dental plan's rates and underlying utilization assumptions. Such documentation shall be deemed confidential by the Department unless specific authorization for disclosure is given by the managed care dental plan; and
- F) Written descriptions and illustrative flow charts of how the premium is received and distributed in a timely fashion and how claims will be handled for payment; and
- G) A comparison of benefits offered by the managed care dental plan and the indemnity carrier.
- 2) Out-of-network claims shall be filed with the managed care dental plan. The managed care dental plan is responsible for coordinating payment of all claims.
- 3) Covered services rendered by a participating provider without proper authorization shall be covered at the out-of-network benefit level.
- 4) For purposes of coordination of benefits, the two policies comprising the point of service plan shall be considered one policy.
- 5) For purposes of conversion and State continuation, when by statute the managed care dental plan must provide these provisions, they shall provide each enrollee who has a point of service plan the right to convert to either a managed care dental plan option or indemnity option. The managed care dental plan may, but is not required to, offer the enrollee the right to continue under a point of service plan option. Once the enrollee has chosen an option, the other plan's options will no longer be available. Should the enrollee choose to continue or convert coverage under a point of service plan, the plan shall meet applicable standards for Illinois conversion or continuation requirements. In the event of any inconsistency between these standards, then the most favorable to the enrollee shall apply.
- b) The initial point of service plan shall be filed with the annual financial statement by March 1, 2002. Subsequent filings of the point of service plan procedure will only be required, pursuant to Section 5425.80 of this Part, if material modifications occur.
- c) A managed care dental plan licensed pursuant to Section 1001 of the

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Limited Health Service Organization Act [215 ILCS 130/1001] shall be subject to the point of service requirements contained in Section 3009 of the Limited Health Service Organization Act [215 ILCS 130/3009].

### Section 5425.80 Material Modifications to Summary Description, Grievance Procedure or Point of Service Plan

A managed care dental plan shall file for approval with the Director, prior to use, any change in the summary description, grievance procedure, or point of service plan originally submitted pursuant to Sections 5425.50, 5425.60 or 5425.70 of this Part, respectively.

### Section 5425.90 Enforcement and Penalties

- a) To enforce the provisions of this Part, the Director may issue a Cease and Desist Order and/or require a managed care dental plan to submit a plan of correction for violations of this Part or the Act.
- b) The Director may also impose an administrative fine, pursuant to Section 65 of the Act [215 ILCS 109/65], not to exceed \$1000, for failure to submit a requested plan of correction, failure to comply with its plan of correction, or repeated violations of this Part or the Act.



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## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Youth Hunting Season for White-Tailed Deer

2) Code Citation: 17 Ill. Adm. Code 685

3) Section Numbers: Proposed Action:

685.10	Amendment
685.20	Amendment
685.30	Amendment
685.50	Amendment
685.60	Amendment
685.80	New Section
685.90	New Section
685.100	New Section
685.110	New Section
685.120	New Section

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add information pertaining to all youth hunting seasons. Language on youth hunts in 17 Ill. Adm. Code 650 - White-Tailed Deer Hunting by Use of Firearms, 17 Ill. Adm. Code 730 - Dove Hunting, 17 Ill. Adm. Code 590 - Duck, Goose and Coot Hunting and 17 Ill. Adm. Code 530 - Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting is being incorporated into this Part.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price  
Department of Natural Resources

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524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this amendment was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

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## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 685

YOUTH HUNTING SEASONS ~~FOR WHITE-TAILED-DEER~~

## Section

- 685.10 Statewide Season for White-Tailed Deer Hunting  
 685.20 Statewide Deer Permit Requirements  
 685.30 Statewide Firearm Requirements for Hunting the Youth Deer Season  
 685.40 Statewide Deer Hunting Rules  
 685.50 Reporting Harvest of Deer  
 685.60 Rejection of Application/Revocation of Deer Permits  
 685.70 Regulations at Various Department-Owned or -Managed Sites  
 685.80 Youth White-Tailed Deer Hunt  
 685.90 Heritage Youth Wild Turkey Hunt - Spring Season  
 685.100 Youth Pheasant Hunting  
 685.110 Youth Waterfowl Hunting  
 685.120 Youth Dove Hunting

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

**SOURCE:** Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 685.10 Statewide Season for White-Tailed Deer Hunting**

- a) Season: One-half hour before sunrise noon on Saturday of the State designated Columbus Day Holiday weekend to sunset on Monday Sunday of that weekend. Shooting hours are one-half hour before sunrise to sunset.
- b) The Department of Natural Resources (Department) shall open a select county or counties to harvest surplus deer via youth deer hunting using shotgun or muzzleloader. The Department shall notify the public which county or counties will be open via a news release.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.20 Statewide Deer Permit Requirements**

- a) Illinois resident hunters must have a current, valid "Youth Deer Hunt Permit" (§10-06). The Youth Deer Season is only open to Illinois residents who will be between the ages of 10-15 inclusive at least--19

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years--of--age--but--not--have--taught--their--16th--birthday by the start of the Youth Deer Season. All participating youths must have completed a State-approved Hunter Education course and have a hunting license, unless exempt. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. For permit applications and other information write to:

Department of Natural Resources  
 Youth Deer Permit (~~Youth-Deer-Season~~)  
Division-of-Education  
Public-Events-and-Promotions-Section  
 524 South Second Street, Room 210  
 Springfield, IL 62701-1787

- b) Applications shall be accepted beginning June August 1 and ending on the tenth weekday in June August for the Youth Deer Season in October. Applications received after the tenth weekday shall not be included in the drawing. Permits shall be allocated in a random drawing. Applications not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless only. If more space is available than the number of applications received, remaining permits will be filled in random daily drawings on-a-first-come-first-served-basis.

- c) In-person and mail-in applications shall receive equal treatment in the drawings.

- d) Each applicant must apply using the official agency Youth Deer Hunt Season permit Application, and must complete all portions of the form. No more than six one applications application per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications for regular firearm, muzzleloading rifle, archery, handgun, free or paid landowner/tenant permits, and youth deer season permits.

- e) For the applicant to be eligible to receive a Youth Deer Season Permit (§10-06), applicant must be an Illinois resident and not have had his or her deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].

- f) Deer hunting seminars covering deer hunting safety and aspects of deer hunting will be made available to participating youths. Successful applicants--will--be--notified--by--mail--when--and--where--they--should--report--to--receive--their--permit--Permits--shall--be--issued--at--the--time--of--the--hunt--All--permit-holders--shall--be--required--to--attend--an--instructional--session--immediately--preceding--the--hunt--Applications--will--be--returned--to--unsuccessful--applicants.

- g) Recipients of the Youth Deer Season Hunt Hunting Permit shall record their signature, --hunting--license--number--(unless--exempt)--and--physical--description on the permit and must carry it on their person while

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hunting.

h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

i) A \$3-00 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.

j) Each applicant must enclose a separate \$10-00 check or money order payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

k) Permits issued for the Youth Deer Hunt season will not be counted in the number of gun permits a person can receive for the Firearm and Muzzleloader-Only Deer Season.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 685.30 Statewide Firearm Requirements for Hunting the Youth Deer Season

a) Specifications of legal firearms and their respective legal ammunition for the Youth Deer Hunt are described below:

- 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or
- 2) A single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in length;
- 3) The minimum size of the firearm projectile shall be .44 caliber.

A wad or sleeve is not considered a projectile or part of the projectile. Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.

b) The standards and specifications for use of such muzzleloading firearms are as follows:

- 1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.
- 2) The minimum size of the muzzleloading firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile. Full metal jacket bullets cannot be used to harvest white-tailed deer.
- 23) Only black powder or a black powder substitute such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) do

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not qualify as a "blackpowder substitute" No-smokeless-powder-may be-used.

34) Percussion caps, wheellock, matchlock or flint type ignition only may be used.

45) Removal of percussion cap, or removal of prime powder from frizzen pan with frizzen open and hammer all the way down, or removal of prime powder from flashpan and wheel un-wound, or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

c) It shall be unlawful to use or possess any type of firearm or ammunition in the field other than those specifically authorized by this rule while hunting white-tailed deer during the Youth Deer Hunting Season, but archery deer hunters in possession of a valid archery deer permit may hunt during this season provided that, in county or counties open to youth deer hunting, they wear the orange garments required of gun deer hunters. The otherwise lawful possession of firearms to take furbearing mammals and game mammals other than deer shall not be prohibited during the Youth Deer Hunting Season as set in Section 685.10.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 685.50 Reporting Harvest of Deer

a) Deer shall be checked in by the hunter in person by 8:00 p.m. the same day the deer is harvested at the authorized county Youth Deer check station.

b) Failure to follow this Section constitutes illegal possession of deer.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 685.60 Rejection of Application/Revocation of Deer Permits

a) In the event that an applicant commits one of the violations described in subsections (a)(1) through (4) set below, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the Department of whether the violation was knowing. If the Department determines the violation was knowing, the application shall be rejected and the fee shall be retained by Natural Resources. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should it be determined that the violation was without the knowledge of the applicant, the permit office will process the application.

- 1) Submitting more than one application in the same name or by the same person for a Youth Deer Hunt Season Permit.
- 2) Providing false and/or deceptive information on the deer permit

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application and other information write to:

Illinois Department of Natural Resources  
Youth Turkey  
524 S. Second Street, Room 210  
P.O. Box 19227  
Springfield, IL 62794-9227

- 2) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.
  - 3) Each applicant must complete the official Department Heritage Youth Wild Turkey Permit application.
  - 4) The season dates and open counties will be determined annually by the Director of the Illinois Department of Natural Resources. The number of permits issued will be in addition to the established county permit quotas. The dates of the application period for permits will be publicly announced annually by the Department.
  - 5) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
  - 6) If more than one application for an Illinois Heritage Youth Wild Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.
  - 7) A \$3 service fee will be charged for replacement permits issued by the Department.
  - 8) Each Illinois Heritage Youth Wild Turkey Hunt Permit holder is required to be accompanied by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (FOID) Card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer.
  - 9) The Heritage Youth Wild Turkey Hunt Permit will only be valid for the dates and counties listed on the permit. Each youth must also possess a valid Illinois hunting license prior to hunting, unless exempt.
  - 10) Turkey hunting seminars covering turkey hunting safety and aspects of turkey hunting will be made available to participating youths.
  - 11) Permits issued for the Heritage Youth Wild Turkey Hunt will not be counted in the number of permits a person can be issued for the regular Spring Wild Turkey Season.
- b) Turkey Hunting Regulations  
It is unlawful:

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- application form.
- 3) Submitting an application when the applicant has a license or permit currently revoke pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].
  - 4) Submitting an incomplete or incorrect application.

**5) Applicant having previously received a Youth-Deer-Hunting-permit for the current season:**

- b) Any violation of the Wildlife Code, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.80 Youth White-Tailed Deer Hunt**

Statewide regulations shall apply except as noted in parentheses at the following sites by special permit allocated through the regular statewide drawing. Shooting is allowed from elevated tree stands, except as noted in parentheses. Applicants must be between the ages of 10-15. Only one tree stand is allowed per person. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands may be set up the day before the hunt and shall be removed the day after. All tree stands must be marked with a site assigned identification number. Check-in, check-out and report of harvest is required.

Crab Orchard National Wildlife Refuge (first season only)

Dixon Springs State Park

Fort Massac State Park (first season only)

Lake Le Aqua Na State Park (hunting from Department established ground blinds only; first season only; supervisors may hunt, but may only take antlerless deer)

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.90 Heritage Youth Wild Turkey Hunt - Spring Season**

- a) Turkey Permit Requirements - Heritage Youth Turkey Hunt
  - 1) The Heritage Youth Wild Turkey Hunt is open only to Illinois residents who will be between the ages of 10 - 15 inclusive by the start of the Heritage Youth Wild Turkey Hunt. All participating youths must have completed a Department-approved Hunter Education course. All youth hunters must have a current, valid Heritage Youth Wild Turkey Hunt Permit (\$10). For permit



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- 1) to use live or electronic turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait);
- 2) to take any wild turkey except a hen with a visible beard or a gobbler (male);
- 3) to take, or attempt to take, more than three wild turkeys during the spring season without a valid permit for each turkey that is taken;
- 4) to use any hunting device except a shotgun or bow and arrow. #4 shot is the largest and #7 1/2 is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbless and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable blades must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal;
- 5) to hunt except from 1/2 hour before sunrise to noon during each day of the season;
- 6) for any person having taken the legal limit of wild turkeys to further participate with a hunting device in any hunting party for the purpose of taking additional wild turkeys;
- 7) for any person to possess, while in the field during wild turkey season, any turkey permit issued to another person (permits are non-transferable);
- 8) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill and before the turkey is moved, transported or field dressed. Successful hunters must register their harvest by 2:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone number provided with their turkey hunting permit. Hunters must provide all information requested by the telephone check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in; and for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.
- 9) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 685.100 Youth Pheasant Hunting

## a) Permit Requirements

- 1) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.
- 2) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- 3) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information write to:

Illinois Department of Natural Resources

Pheasant

524 South 2nd Street, Room 210

P. O. Box 19457

Springfield, Illinois 62794-9457

- 4) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Edward R. Madigan State Park, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Moraine View State Park, Wayne Fitzgerald (Rend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangchris Lake State Park and Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Area).
- b) Hunting Regulations
  - 1) The Illinois Youth Pheasant Hunt will be held on the Sunday following the opening of the statewide upland game season, except at the Richland County Controlled Pheasant Hunting Area

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where the hunt will be held on the Sunday preceding Thanksgiving and at Mackinaw River State Fish and Wildlife Area where the hunt will be the Saturday preceding the opening of the statewide upland game season.

- 2) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 12 noon to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 10:00 a.m. and 10:30 a.m. at Sangchris Lake State Park).
- 3) All hunters must be between the ages of 10 - 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Edward R. Madigan State Park.

- 4) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) Card, the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card.

- 5) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must wear a back patch issued by the check station.

- 6) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.

- 7) All hunting must be done with shotguns. Only shot shells with a shot size of #5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, #4 bismuth or #3 steel or tin or smaller may be used, except at Chain O' Lakes State Park and Wayne Fitzgerald State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of #3 steel or tin, #4 bismuth, #5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.
- 8) Daily limit.

- A) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Horseshoe Lake State Park (Madison County) and Sand Ridge State Forest.

- B) Two cock pheasants only at the Moraine View State Park, Mackinaw River State Fish and Wildlife Area and Chain O'

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Lakes State Park.  
 C) Statewide Upland Game Limits at Sangchris Lake State Park, Edward R. Madigan State Park and Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit.

- 9) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasant until the pheasant is finally prepared for consumption.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 685.110 Youth Waterfowl Hunting

a) Permit Requirements

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10 - 15 inclusive on the date of the hunt.

- 2) Only one permit per person shall be issued for the hunt on the first weekday after December 26 other than a Monday at Horseshoe Lake Conservation Area (Alexander County) and Union County Conservation Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley/DePue State Wildlife Area (3 "i" unit), Banner Marsh State Fish and Wildlife Area and Snakeden Hollow State Fish and Wildlife Area, and on the first weekend and third Saturday of the Illinois Central Zone Waterfowl season at Donnelley State Wildlife Area.

- 3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt.
- 4) Permit reservations and transferability.

- A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit, except previous participants may apply for Donnelley/DePue State Wildlife Area Permits.

- B) For other information write to:

Illinois Department of Natural Resources  
 Youth Waterfowl Hunt  
 524 S. Second Street, Room 210  
 P.O. Box 19457  
 Springfield, IL 62794-9457

- 5) Permits for the Illinois Youth Waterfowl Hunt will be issued from the Springfield Permit Office.

- b) General Waterfowl Hunting Regulations at the Youth Waterfowl Hunting

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## Areas

- 1) Hours, Permits and Stamp Charges
  - A) Hunting hours at Horseshoe Lake (Alexander County) and Union County are from legal opening until 1:00 p.m. on the day of the Youth Goose Hunt. Hunting hours at Donnelley/DePue State Wildlife Area (3 "i" Unit), Banner Marsh State Fish and Wildlife Area and Snakeden Hollow State Fish and Wildlife Area are from statewide opening to 1:00 p.m. on the days of the youth waterfowl hunts.
  - B) At Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County) and Snakeden Hollow State Fish and Wildlife Area, hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in at the check station between 5:00 a.m. and 5:30 a.m. Permits are void after 5:30 a.m. A drawing shall be held on the morning of the hunt to allocate blind sites.
  - C) At Donnelley/DePue State Wildlife Area (3 "i" Unit) and Banner Marsh Fish and Wildlife Area, hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in one hour before shooting time. The blinds will be allocated by drawing. For the youth hunts other than the Illinois Youth Waterfowl Hunt, hunters with permit reservations must check in at the check station no later than one hour before shooting time or the permit is void.
  - D) There is no fee for the Illinois Youth Waterfowl Hunting Permit.
  - E) Hunting must be done from assigned blinds only and hunters, unless authorized, shall not move from blind to blind or leave the blind and return.
  - F) Guns must be unloaded and encased at all times when not hunting.
  - G) At Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County) and Snakeden Hollow State Fish and Wildlife Area, each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.
  - H) Each youth and supervising adult may be accompanied by a non-hunting guide. The maximum number of people in a blind is two hunting youth, two hunting adults and a non-hunting guide.
  - I) At Rend Lake, hunters participating in the youth hunt must sign in and out, no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m.

## Special Hunts

If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites that, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other

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## Department programs.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 685.120 Youth Dove Hunting

- a) A one-day Youth Dove Hunt will be held the first weekend day in September or Labor Day, whichever comes first, at the following sites:

Horseshoe Lake State Park (Madison County)

Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area

Ramsey Lake State Park

Sangchris Lake State Park

Silver Springs State Park

Stephen A. Forbes State Park

- b) A one-day youth/adult dove hunt will be held the first weekend day in September or Labor Day, whichever comes first, where both the youth and adult will be permitted to hunt at the following sites:

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area

Mt. Vernon Game Farm

Sam Parr State Park

- c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:00 a.m.
- d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.
- e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.
- f) Applicants must be between the ages of 10 - 15 inclusive, with a valid Illinois hunting license.



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- g) Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) Card, the supervising adult is required to have a FOID Card. Only one supervising adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid FOID Card. All adult hunters must have a valid FOID card.
- h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Proposed Action:  
130.2004 New Section
- 4) Statutory Authority: 35 ILCS 120
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 91-0439 that establishes an exemption from sales tax on purchases of tangible personal property for use by not-for-profit arts or cultural organizations.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part:

Section Numbers	Proposed Action	IL Register Citation
130.330	Amendment	5/26/00, 24 Ill. Reg. 7617
130.605	Amendment	9/8/00, 24 Ill. Reg. 13617
130.325	Amendment	9/29/00, 24 Ill. Reg. 14393
130.901	Amendment	11/13/00, 24 Ill. Reg. 16573
130.101	Amendment	11/17/00, 24 Ill. Reg. 16986
130.350	Amendment	12/15/00, 24 Ill. Reg. 17948
130.535	Amendment	12/22/00, 24 Ill. Reg. 18505
130.2105	Amendment	01/12/01, 25 Ill. Reg. 386
130.120	Amendment	01/26/01, 25 Ill. Reg. 1169
130.2011	Amendment	01/26/01, 25 Ill. Reg. 1169
130.2012	Amendment	01/26/01, 25 Ill. Reg. 1169

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Karl W. Betz  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Not for profit corporations that qualify as cultural or arts organizations
- B) Reporting, bookkeeping or other procedures required for compliance:  
Minimal
- C) Types of professional skills necessary for compliance: Accounting or bookkeeping

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

## PART 130

## RETAILERS' OCCUPATION TAX

## SUBPART A: NATURE OF TAX

Section  
130.101  
130.105  
130.110  
130.111  
130.115  
130.120

Character and Rate of Tax  
Responsibility of Trustees, Receivers, Executors or Administrators  
Occasional Sales  
Sale of Used Motor Vehicles by Leasing or Rental Business  
Habitual Sales  
Nontaxable Transactions

## SUBPART B: SALE AT RETAIL

Section  
130.201  
130.205  
130.210  
130.215  
  
130.220  
130.225

The Test of a Sale at Retail  
Sales for Transfer Incident to Service  
Sales of Tangible Personal Property to Purchasers for Resale  
Further Illustrations of Sales for Use or Consumption Versus Sales for Resale  
Sales to Lessors of Tangible Personal Property  
Drop Shipments

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section  
130.305  
130.310  
130.315  
130.320  
130.321  
130.325  
130.330  
130.331  
130.335  
130.340  
130.345  
130.350  
  
130.351

Farm Machinery and Equipment  
Food, Drugs, Medicines and Medical Appliances  
Fuel Sold for Use in Vessels on Rivers Bordering Illinois  
Gasohol  
Fuel Used by Air Common Carriers in International Flights  
Graphic Arts Machinery and Equipment Exemption  
Manufacturing Machinery and Equipment  
Manufacturer's Purchase Credit  
Pollution Control Facilities  
Rolling Stock  
Oil Field Exploration, Drilling and Production Equipment  
Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment  
Aggregate Manufacturing

## SUBPART D: GROSS RECEIPTS

Section  
130.401

Meaning of Gross Receipts

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser  
 130.410 Cost of Doing Business Not Deductible  
 130.415 Transportation and Delivery Charges  
 130.420 Finance or Interest Charges--Penalties--Discounts  
 130.425 Traded-In Property  
 130.430 Deposit or Prepayment on Purchase Price  
 130.435 State and Local Taxes Other Than Retailers' Occupation Tax  
 130.440 Penalties  
 130.445 Federal Taxes  
 130.450 Installation, Alteration and Special Service Charges  
 130.455 Motor Vehicle Leasing and Trade-In Allowances

## SUBPART E: RETURNS

Section  
 130.501 Monthly Tax Returns--When Due--Contents  
 130.502 Quarterly Tax Returns  
 130.505 Returns and How to Prepare  
 130.510 Annual Tax Returns  
 130.515 First Return  
 130.520 Final Returns When Business is Discontinued  
 130.525 Who May Sign Returns  
 130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations  
 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances  
 130.540 Returns on a Transaction by Transaction Basis  
 130.545 Registrants Must File a Return for Every Return Period  
 130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances  
 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel  
 130.555 Vending Machine Information Returns  
 130.560 Verification of Returns

## SUBPART F: INTERSTATE COMMERCE

Section  
 130.601 Preliminary Comments  
 130.605 Sales of Property Originating in Illinois  
 130.610 Sales of Property Originating in Other States

## SUBPART G: CERTIFICATE OF REGISTRATION

Section  
 130.701 General Information on Obtaining a Certificate of Registration  
 130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

130.710 Procedure When Security Must be Forfeited  
 130.715 Sub-Certificates of Registration  
 130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances  
 130.725 Display  
 130.730 Replacement of Certificate  
 130.735 Certificate Not Transferable  
 130.740 Certificate Required For Mobile Vending Units  
 130.745 Revocation of Certificate

## SUBPART H: BOOKS AND RECORDS

Section  
 130.801 General Requirements  
 130.805 What Records Constitute Minimum Requirement  
 130.810 Records Required to Support Deductions  
 130.815 Preservation and Retention of Records  
 130.820 Preservation of Books During Pendency of Assessment Proceedings  
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

## SUBPART I: PENALTIES AND INTEREST

Section  
 130.901 Civil Penalties  
 130.905 Interest  
 130.910 Criminal Penalties

## SUBPART J: BINDING OPINIONS

Section  
 130.1001 When Opinions from the Department are Binding

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section  
 130.1101 Definition of Federal Area  
 130.1105 When Deliveries on Federal Areas Are Taxable  
 130.1110 No Distinction Between Deliveries on Federal Areas and Deliveries Outside Federal Areas

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section  
 130.1201 General Information  
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- Section  
130.1301 When Lessee of Premises Must File Return for Leased Department  
130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises  
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation
- SUBPART N: SALES FOR RESALE
- Section  
130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale  
130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale  
130.1410 Requirements for Certificates of Resale (Repealed)  
130.1415 Resale Number--When Required and How Obtained  
130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

- Section  
130.1501 Claims for Credit--Limitations--Procedure  
130.1505 Disposition of Credit Memoranda by Holders Thereof  
130.1510 Refunds  
130.1515 Interest
- SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS
- Section  
130.1601 When Returns are Required After a Business is Discontinued  
130.1605 When Returns Are Not Required After Discontinuation of a Business  
130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

- Section  
130.1701 Bulk Sales: Notices of Sales of Business Assets
- SUBPART R: POWER OF ATTORNEY
- Section  
130.1801 When Powers of Attorney May be Given  
130.1805 Filing of Power of Attorney With Department  
130.1810 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

Section

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 130.1901 Addition Agents to Plating Baths  
130.1905 Agricultural Producers  
130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles  
130.1915 Auctioneers and Agents  
130.1920 Barbers and Beauty Shop Operators  
130.1925 Blacksmiths  
130.1930 Chiroprodists, Osteopaths and Chiropractors  
130.1935 Computer Software  
130.1940 Construction Contractors and Real Estate Developers  
130.1945 Co-operative Associations  
130.1950 Dentists  
130.1951 Enterprise Zones  
130.1952 Sales of Building Materials to a High Impact Business  
130.1955 Farm Chemicals  
130.1960 Finance Companies and Other Lending Agencies -- Installment Contracts -- Bad Debts  
130.1965 Florists and Nurserymen  
130.1970 Hatcheries  
130.1971 Sellers of Pets and the Like  
130.1975 Operators of Games of Chance and Their Suppliers  
130.1980 Optometrists and Opticians  
130.1985 Pawnbrokers  
130.1990 Peddlers, Hawkers and Itinerant Vendors  
130.1995 Personalizing Tangible Personal Property  
130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers  
130.2004 Sales to Nonprofit Arts or Cultural Organizations  
130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons  
130.2006 Sales by Teacher-Sponsored Student Organizations  
130.2007 Exemption Identification Numbers  
130.2008 Sales by Nonprofit Service Enterprises  
130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools  
130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others  
130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals  
130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies  
130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property  
130.2020 Physicians and Surgeons  
130.2025 Picture-Framers  
130.2030 Public Amusement Places  
130.2035 Registered Pharmacists and Druggists  
130.2040 Retailers of Clothing  
130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art

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Shows, Flea Markets and the Like  
Sales and Gifts By Employers to Employees  
Sales by Governmental Bodies  
Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products  
Sales of Automobiles for Use in Demonstration (Repealed)  
Sales of Containers, Wrapping and Packing Materials and Related Products  
Sales To Construction Contractors, Real Estate Developers and Speculative Builders  
Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel  
Sales to or by Banks, Savings and Loan Associations and Credit Unions  
Sales to Railroad Companies  
Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles  
Sellers of Feeds and Breeding Livestock  
Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers  
Sellers of Seeds and Fertilizer  
Sellers of Machinery, Tools and Special Order Items  
Suppliers of Persons Engaged in Service Occupations and Professions  
Trading Stamps and Discount Coupons  
Undertakers and Funeral Directors  
Vending Machines  
Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order  
Vendors of Meals  
Vendors of Memorial Stones and Monuments  
Vendors of Signs  
Vendors of Steam  
Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.  
Veterinarians  
Warehousemen  
ILLUSTRATION A Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg.

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NOTICE OF PROPOSED AMENDMENTS

3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 25, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg.



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

\_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART S: SPECIFIC APPLICATIONS

**Section 130.2004 Sales to Nonprofit Arts or Cultural Organizations**

- a) Notwithstanding the fact that sales may be at retail, the Retailers' Occupation Tax does not apply to sales of tangible personal property to a not-for-profit arts or cultural organization that establishes that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. (Section 2-5(9) of the Act)
- b) Only nonprofit organizations that are organized and operated for the presentation or support of arts or cultural programming, activities, or services can qualify for this exemption from sales tax. To demonstrate qualification, an organization must devote an identifiable portion of its proceeds or activities to the presentation or support of arts or cultural programming, activities, or services. The fact that an organization is organized and operated for the presentation or support of arts or cultural programming, activities, or services must also be reflected in its organizational documents. For ease of administration of the exemption, organizations should apply for and obtain a tax exemption identification number. To establish eligibility for this exemption, an organization should submit the following documents to the Illinois Department of Revenue:
- 1) Copy of the Internal Revenue Service letter under which it received an exemption under Section 501(c)(3) of the Internal Revenue Code.
  - 2) If incorporated, copy of Articles of Incorporation.
  - 3) If unincorporated, copy of organization's Charter or Constitution.
  - 4) Copy of By-laws.
  - 5) A narrative explaining purposes, functions and activities of the organization.
  - 6) Copy of brochures or other printed material explaining the purposes, functions and activities of the organization.
  - 7) Copy of most recent financial statement.
- c) The information noted in subsection (b) will allow the Department to identify that the organization qualifies for the nonprofit arts or cultural organization exemption from sales tax. If an organization does qualify, the Department will issue an exemption identification number that the organization can provide to vendors. Although nonprofit arts and cultural organizations are not required to obtain this number, receipt of a number is strongly recommended because the exemption number will serve as the documentation that vendors are required to maintain under Section 7 of the Act for exempt sales. Unless an organization obtains an exemption identification number,

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retailers may decide not to allow a purchase to be made tax free. The exemption applies to purchases of tangible personal property invoiced to the organization that will be used in furtherance of the organization's purposes. The exemption does not extend to purchases of tangible personal property made by individual members or officers of the organization for their own use.

d) An exempt nonprofit arts or cultural organization must have as its purposes or activities the presentation or support of arts or cultural programming, activities or services. By way of illustration and not limitation, the following not-for-profit purposes or activities are examples:

- 1) Presenting or supporting artists and their works.
- 2) Presenting or supporting musical performances, including instrumental, vocal, symphonic and choral.
- 3) Presenting or supporting the dramatic arts.
- 4) Preserving and exhibiting to the general public objects, artifacts, or displays of historical, scientific or cultural value.
- 5) Promoting and increasing the musical knowledge, appreciation, experience and performing ability of young people and of the general public, by establishing, maintaining and operating a youth symphony orchestra.
- 6) Operating a nonprofit school of dance, music, painting or sculpture.
- 7) Conducting festivals on a regular basis to provide filmmakers with an opportunity to display their films.
- 8) Educating young people and the general public about the arts or humanities through museum exhibits, classes, lectures and performances.
- 9) Producing, presenting or distributing displays of visual or media arts such as photographs, paintings, sculptures, videos or films.
- 10) Preparing, publishing and distributing a journal or other literature on a regular basis that provides an opportunity for authors to have their articles or stories published.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers 1030.60  
Proposed Action: Amendment
- 4) Statutory Authority: Sections 2-104(b) and 6-521(a) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b) and 6-521(a)] and Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art.I].
- 5) A Complete Description of the Subjects and Issues Involved: We will be amending this administrative rule to include language that was omitted from a previous amendment of this Section.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on units of local government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert W. Mueller  
Assistant General Counsel  
Department of Driver Services  
2701 South Dirksen Parkway  
Springfield IL 62723  
217-782-5356

12) Initial Regulatory Flexibility Analysis:

A) Types of small business, small municipalities and not for profit corporations affected: This rulemaking may have an effect on small business; therefore, we will provide a copy of the rule to DCCA for review.

B) Reporting, bookkeeping, other procedures required for compliance:

SECRETARY OF STATE  
NOTICE OF PROPOSED AMENDMENT

None

- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the next page:

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

What Persons Shall Not be Licensed or Granted Permits  
Procedure for Obtaining a Driver's License  
Denial of License or Permit  
Cite for Re-examination

Physical and Mental Evaluation

Errors in Issuance of Driver's License/Cancellation

Medical Criteria Affecting Driver Performance

Classification of Drivers-References

Classfication Standards

Fifth Wheel Equipped Trucks

Bus Driver's Authority, Religious Organization and Senior Citizen  
Transportation

Commuter Van Driver Operating a For-Profit Ridesharing Arrangement

Third-Party Certification Program

Religious Exemption for Social Security Numbers

Instruction Permits

Driver's License Testing/Vision Screening

Driver's License Testing/Vision Screening with Vision Aid

Arrangements Other Than Standard Eye Glasses or Contact Lens(es)

Driver's License Testing/Written Test

Endorsements

Vehicle Inspection

Driver's License Testing/Road Test

Multiple Attempts - Written and/or Road Tests

Exemption of Facility Administered Road Test

Temporary Licenses

Requirement For Photograph and Signature of Licensee on Driver's  
License

Disabled Person/Handicapped Identification Card

Restrictions

Restricted Local Licenses

Duplicate or Corrected Driver's License or Instruction Permit

Consular Licenses

Restricted Commercial Driver's License

Invalidation of a Driver's License, Permit and/or Driving Privilege

School Bus Commercial Driver's License

Anatomical Gift Donor

Emergency Medical Information Card

Change-of-Address

Issuance of a Probationary License

Grounds for Cancellation of a Probationary License

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

APPENDIX A Questions Asked of a Driver's License Applicant  
APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5182, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992,

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effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1030.60 Third-Party Certification Program

- a) The Secretary of State shall adopt the following definitions for the terms listed as follows:

"Branch Facility" - a separate instructional facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" - any day on which the Office of the Secretary of State is open; Monday through Saturday, excluding State holidays.

"Candidate-for-Employment-or-by-Membership" - one who is offered a written contract of employment contingent upon successfully completing the training course.

"CDL Skills Test" - test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

"Commercial Driver's License (CDL)" - a driver's license issued by a state to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles. [625 ILCS 5/6-500(3)]

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver Applicant" - an individual employed by or otherwise a candidate for employment or by membership, with a third-party certifying entity, who participates in the third-party certification program.

"Fraud" - includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by

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silence.

"Motor Vehicle" - any properly registered vehicle meeting the description of the vehicle group of the class the driver applicant operates, or expects to operate.

"Non-CDL Skills Test" - any drive test given to an applicant who is attempting to obtain a driver's license except for a D classification, a CDL or a CDL endorsement.

"Passenger Endorsement" - an indication on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Restriction" - requirement or condition added to a driver's license which must first be met by the license holder before he/she may legally operate a motor vehicle.

"Safety Officer" - any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that a driver applicant has been tested and meets the same qualifications required by the Secretary of State.

"Secretary of State" - Illinois Secretary of State.

"Third-Party Certification License" - a license issued by the Secretary of State to conduct a qualified third-party certification program, pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508].

"Third-Party Certification Program" - a program designed by the Secretary of State allowing third-party entities to provide to employees and candidates for employment or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that a driver applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508].

"Third-Party Certifying Entity" - any third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Training Vehicle" - a motor vehicle registered and insured by a licensed Commercial Driver Training School in accordance with



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Section 6-410 of the Illinois Vehicle Code [625 ILCS 5/6-410] and 92 Ill. Adm. Code 1060.110(d)(7) and used for the sole purpose of training and testing.

- b) The Secretary of State shall not require an actual demonstration of the ability of the driver applicant to operate and exercise ordinary and reasonable control of a motor vehicle for purposes of third-party certification programs, if the third-party certifying entity complies with the following requirements:

1) License Required - No person, firm, association, partnership or corporation shall operate a third-party certification program, unless a license has been issued by the Secretary of State.

2) Certify Only Employees or Members - A third-party certifying entity shall certify only those driver applicants who are employed and on the payroll of the entity, or are members at the time of certification.

3) An entity may test and certify individuals who are not employees or members provided the entity meets the following conditions:

A) The entity must own or lease at least 7 training vehicles in the classification for the appropriate skills test.

B) The entity must maintain at least 7 licensed safety officers who must skills test a minimum of 12 employees or candidates for employment or membership within a 12-month period.

C) In the event the entity is a driving school, the instructor who gives the preponderance of training to a driver applicant cannot administer the skills test to the driver applicant.

D) The driver applicant must be a candidate for employment and be eligible to be employed by the third-party entity upon successfully completing and passing all of the requirements of the third-party certification program and obtaining a DBS.

E) The third-party certifying entity must employ 75 percent of those driver applicants who successfully complete the third-party certification program and obtain a DBS.

F) Any applicant for certification as a third-party tester may submit with its application a request for a waiver of the requirement that the third-party tester employ a minimum of 75 percent of those tested. Such request shall include the following:

- i) Number of drivers employed by the applicant.
- ii) Distance from the Department's nearest driver examination point.
- iii) Estimated number of employees per year who will require DBS skills testing.
- iv) Additional information to support waiver request.
- v) The Department will consider the request and notify the applicant in writing of its decision after

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reviewing and evaluating the application. Any fees due from individuals tested may not be accepted by the entity until after 60 days after successful completion of the training program or the individual is no longer employed by the entity or has declined the offer of employment.

H) The entity must have a training program that meets the requirements contained in 49 CFR 383.110-121 (1995) (49-BSE 31027-49-BSE App-13701-49-CFR-1-48) (No later amendments are incorporated herein.)

i) The entity must submit a copy of its training program to the Secretary of State for approval.

ii) The entity must follow the approved training course and maintain its training records for 4 years.

ii) The entity must provide copies of contract forms between the entity and individuals tested to the Secretary of State.

J) The entity must have a minimum of 300 square feet of classroom space.

K) Any third-party entity testing individuals who are not employees or members will have a sample percentage of certified driver applicants reexamined annually in accordance with 49 CFR 383.75(f)(2)(iv).

## c) Issuance and Renewal of Licenses

1) When an application is submitted for an original third-party certification license, or safety officer license, the applicant or applicants shall not conduct any business as a third-party certifying entity or safety officer until a license is issued by the Secretary of State pursuant to the requirements contained in subsections (d) and (i) of this Section.

2) When an application is made for the renewal of an existing third-party certification license or a safety officer license, the applicant shall have the authority to continue to conduct business as a third-party certifying entity or a safety officer until the renewal application is granted or denied by the Department, provided the application has been filed in a timely manner as provided in subsection (f)(4) of this Section. The application for the license shall be made in the same manner as an application for a original third-party certification license or safety officer license.

3) Licenses may not be assigned. No individual, partnership, association, or corporation may sell, assign, barter or trade a third-party certification license or safety officer license issued by the Secretary of State.

4) The Secretary may allow entities, otherwise ineligible to be licensed as a third-party certifying entity, to conduct a third-party certification program on a trial basis, not to exceed 1 year. At the close of the trial period, the Secretary will

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determine whether the entities participating in the pilot program shall be granted third-party certification entity status under this Section.

- d) Requirements - Third-Party Certification Entities
  - 1) The entity shall have at least 1 employee who is licensed or qualified to be licensed as a safety officer for the third-party certification program. ~~Entities--certifying---non-members---or non-employees---must-employ-7-licensed-safety-officers-as-provided in-subsection-(b)(3)(B)-of-this-Section-~~
  - 2) The entity shall have a regularly established place of business in the State of Illinois and operate or have access to appropriate vehicles, with the exception of employers having a regular place of business in a contiguous state, e.g., Indiana, Missouri, Wisconsin, Iowa and Kentucky. Any entity having its headquarters in a border state and wishing to participate in the third-party certification program, shall have an appointed agent, for purposes of this program, who is licensed as a safety officer and holds a valid Illinois driver's license or a CDL issued by a contiguous state.
  - 3) The entity shall submit to the Department a copy of any subcontract of services described in this Part.
  - 4) The entity shall have a prescribed physical driving course for each location and be required to meet a driving skills test with the same minimum standards as the course used for examination by the Secretary of State (92 Ill. Adm. Code 1030.85).
  - 5) The entity shall have access to a properly registered motor vehicle which meets the definition of the vehicle group of the classification that the driver applicant operates or expects to operate. ~~Entities--certifying---non-members-or-non-employees-must maintain-at-least-7-owned-or-leased-training-vehicles-as-provided in-subsection-(b)(3)(A)-of-this-Section-~~
  - 6) The entity shall provide the driver applicant, who takes and passes the skills tests, with documented proof (Secretary of State's driver test form) of the same, which shall evidence to the Department that the individual has successfully passed the skills tests administered by the third-party certifying entity.
  - 7) The entity shall collectively submit completed application forms to the Department for each main office, branch office and safety officer.
  - 8) The entity shall have and use a business telephone listing for all business purposes.
  - 9) If a licensed safety officer is temporarily suspended, laid-off or discharged by a third-party certifying entity, the entity shall immediately notify the Secretary of State, on forms furnished by the Secretary of State, of the name, address and license number of the safety officer, such officer's termination date and reason for termination. In all cases where a safety officer has ceased working for the third-party certifying entity,

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the safety officer must surrender his/her license to the Secretary of State.

- 10) Facility
  - A) The established place of business of each third-party certifying entity must consist of at least the following permanent facilities:
    - i) an office facility;
    - ii) appropriate space (an area at least 15 feet wide by 100 feet long) to conduct all basic control skills tests (92 Ill. Adm. Code 1030.85).
  - B) A third-party certifying entity which has an established place of business may operate a branch facility provided the branch facility meets all requirements of the main facility pursuant to subsections (d)(10)(A) and (d)(10)(D) of this Section.
  - C) Upon receipt by the Secretary of State of a written request to open a branch facility, an authorized representative of the Secretary of State shall inspect the branch facility and, if it complies with the provisions of this Section, shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.
  - D) Location must comply with public health and safety standards contained in the Public Building Egress Act [415 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].
- 11) Records - All third-party certifying entities licensed by the Secretary of State must maintain a record showing the name and address of each driver certified by the entity, the instruction permit or driver's license number of every driver certified, and the results of the final skills test, including endorsements, given to each driver applicant, the name of the safety officer who administered the skills test and the license plate number of the vehicle used to conduct the test.
  - A) All records must be maintained for a period of 4 years.
  - B) Proof of eligibility for certification and final skills tests results for each driver applicant must be kept at the location where the road test was given.
  - C) Maintain proof of training course completion for each individual CDL certified who does not hold a valid CDL at the time of testing on the form provided by the Secretary of State, or an equivalent form approved by the Secretary of State.
- 12) Auditing - CDL Driving Skills Test
  - A) All third-party certifying entities must allow the Secretary of State and Federal Highway Administration or its representatives to conduct random examinations, inspections and audits without prior notice pursuant to 49 CFR 385.85, including audits of employment records of individuals

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- certified by the third-party certification entity.
- B) All third-party certifying entities must allow the Secretary of State to conduct on-site inspections at least annually.
- C) The Secretary of State or his designee shall annually re-examine a sample percentage of the certified driver applicants to compare pass/fail results and determine the percentage of certified driver applicants employed by the third-party certifying entity.
- i) If the results of the random examination reflect a failure rate greater than the current Secretary of State's acceptable failure rate of 20 percent, the third-party entity will be notified in writing of the need to retrain the failed applicants.
  - ii) The retraining must be completed within 30 days, at which time the trainee must be referred to the Secretary of State to be skills tested.
  - iii) The Commercial Driver Training School section will determine the location and time of the Secretary of State retests.
- 13) Display of Licenses - Each third-party certifying entity shall display in a prominent place at the established place of business the following:
- A) The State license issued to the third-party certifying entity; and
  - B) Safety officer licenses of all safety officers employed by the third-party certifying entity.
- 14) Provide a minimum 2 week training course to each individual who is CDL certified pursuant to the recommendations of the Highway Safety 2000 Advisory Task Force and who does not hold a valid CDL at the time of testing that meets the requirements of 49 CFR 383.110-121 (1995) (49 USC 3102; 49 USC App. 12701; 49 CFR 1.49).
- 15) The third-party certification entity must provide the Secretary of State with the names of all individuals that were tested and certified from a non-CDL classification to a CDL classification by the entity whose employment/membership has been terminated up to 6 months after the date of certification.
- A) The Secretary of State will cite these individuals to be retested in a representative vehicle in order for the individual to maintain the license classification in which they were originally certified.
  - B) The Secretary of State will provide each entity with a Verification of Continual Employment form to assist the third-party certification entity in determining the names of the individuals who have terminated their employment/membership up to 6 months after being certified.
- 16) The entity may not have a current unsatisfactory rating from the U.S. Department of Transportation (see 49 CFR 385.3).
- e) Skills Tests

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- 1) Any CDL or School Bus skills tests administered by the third-party certifying entity must be conducted by a licensed safety officer as specified in Subparts G and H of 49 CFR 383.
- 2) Driving Skills - The entity shall have a prescribed physical driving course for each location and must be required to administer a skills test with the same minimum standards as that which would be used by the Secretary of State (see 92 Ill. Adm. Code 1030.85).
- 3) Pre-Trip Inspection Skills - Where applicable, the entity shall test and the driver applicant shall demonstrate skills necessary to conduct a pre-trip inspection, which include the ability to:
  - A) locate and verbally identify air brake operating controls and monitoring devices;
  - B) determine the motor vehicle's brake system condition for proper adjustments and that the air system connections between vehicles have been properly made and secured;
  - C) inspect low pressure warning devices to ensure they will activate in emergency situations;
  - D) ascertain, with the engine running, that the system contains an adequate supply of compressed air;
  - E) determine that the required minimum air pressure build up at the time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and
  - F) operationally check the brake system for proper performance.
- 4) Restrictions and/or Endorsements - Third-party certification entities conducting road tests for restrictions and/or passenger endorsements must meet a skills test with the same minimum standards as an exam offered by the Secretary of State for the restriction and/or endorsement (see 92 Ill. Adm. Code 1030.92).
- 5) Third-party certifying entities conducting road tests for motorcycle and non-CDL classifications are not bound by subsections (e)(1) through (4) above, but instead must meet a driving skills test prescribed by the Secretary of State for these classifications, and judged by the same minimum standards, and conducted by a licensed safety officer (92 Ill. Adm. Code 1030.85).
- A) Motorcycle skills tests must include at least the following:
  - i) basic vehicle control skills;
  - ii) safe driving skills;
  - iii) visual search;
  - iv) speed and space management; and
  - v) mounting and dismounting.
- B) Non-CDL skills tests must include at least the following:
  - i) basic vehicle operation;
  - ii) safe driving skills;
  - iii) speed and attention;
  - iv) lane and right of way observance;



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- v) obeying traffic control devices;  
vi) use of special equipment.
- 6) Require Instruction Permit - Before a driver applicant may be skills tested and certified by a third-party entity, the driver applicant must obtain an instruction permit from the Secretary of State for the specific vehicle classification in which he/she intends to be licensed. The driver applicant must hold a valid instruction permit for a period of at least 2 weeks prior to being skills tested and certified by a third-party entity, if not currently licensed in the classification representative of the vehicle the applicant intends to drive.
- f) Issuance and Renewal of Third-Party Certifying Entity Licenses
- 1) Issuance of Licenses to Third-Party Certifying Entity - The Secretary of State shall issue a license to conduct a third-party certification program when the Secretary of State is satisfied that the entity applying for a third-party certification license has met the requirements under this Section.
  - 2) All licenses issued to any third-party certifying entity shall remain valid indefinitely unless canceled, suspended or revoked. ~~Expiration-of-licenses--All-outstanding-licenses-issued-to-any third-party-certifying-entity-shall-expire-3-years-from-the-date the-license-was-issued-unless-sooner--canceled--suspended--or revoked-under-the-provisions-of-subsection-(9)-of-this-Section--~~
  - 3) ~~Renewal--of-licenses--The-license-of-each-third-party-certifying entity-may-be-renewed-subject-to--the--same--conditions--as--the original--license--~~
  - 4) ~~licenses--Form-and--Filing--All--applications-for-renewal-of-a license-shall-be-on-a-form-prescribed-by-the-Secretary--of--State and--must--be--filed--with--the--Secretary--not-less-than-30-days preceding-the-expiration-date-of-the-license-to-be-renewed--~~
- g) Denial, Cancellation, Suspension, and Revocation of Third-Party Certifying Entity Licenses
- 1) The Secretary of State shall deny an application for a third-party certifying entity license or renewal:
    - A) to any entity that submits a fraudulent application.
    - B) to any entity that currently employs individuals also employed by the Secretary of State.
    - C) to any entity that owes outstanding fees to the Secretary of State.
    - D) to any third-party certifying entity that lacks a safety officer.
    - E) to any third-party certifying entity that fails to meet location standards:
      - i) fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].

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- ii) fails to have a telephone that is registered to the third-party certification entity.
  - F) to any third-party certifying entity with a current unsatisfactory rating from the U.S. Department of Transportation.
  - G) to any commercial driver training school.
- 2) The Secretary of State shall cancel a third-party certifying entity license for failing to correct, after being served written notice giving 5 business days to correct, any violation of the following regulations and laws governing third-party entities:
- A) the entity employs individuals also employed by the Secretary of State.
  - B) the entity owes outstanding fees to the Secretary of State.
  - C) the third-party certifying entity lacks a safety officer.
  - D) the third-party certifying entity fails to meet location standards:
    - i) fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].
  - ii) fails to have a telephone that registers to the third-party certification entity.
  - E) the entity currently has an unsatisfactory rating from the U.S. Department of Transportation.
  - F) the entity is a commercial driver training school.
- 3) The Secretary of State shall suspend a third-party certifying entity's license 3 months, depending upon the severity of the infraction, upon evidence of the following:
- A) improper recordkeeping in violation of subsection (d)(11) of this Section.
  - B) failure by the entity's certified driver applicants to pass skills tests upon re-examination, pursuant to subsections (c) and (d)(12) of this Section.
  - C) any violation of this Part.
  - D) failure to provide the required training to individuals that were CDL certified and did not hold a valid CDL at the time of testing.
  - E) failure to notify the Secretary of State with names of individuals that were certified from a non-CDL classification to a CDL classification and whose employment/membership was terminated up to 6 months after the date of certification.
- 4) The Secretary of State shall suspend a third-party certifying entity's license up to 6 months, depending upon the severity of the infraction, upon evidence of the failure to produce records upon demand of the auditing agency.
- 5) The Secretary of State shall suspend a third-party certifying



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entity's license up to 1 year, depending upon the severity of the infraction, if it is discovered the entity is certifying applicants who have not obtained instruction permits and/or have not maintained such instruction permits for at least 2 weeks prior to testing and certification.

- 6) The Secretary of State shall revoke the third-party certifying entity's license upon evidence of the following:

A) the entity submitted a fraudulent application.  
 B) if the entity engages in or permits any type of fraudulent activity, either with reference to any certified individual or the Secretary of State.

## h) Issuance and Renewal of Safety Officer License

1) Issuance of Licenses to Safety Officers - The Secretary of State shall issue a license to each safety officer when the Secretary of State is satisfied that such person has met the qualifications required under this Section. Each third-party certification safety officer license shall authorize the licensee to test for only the employer indicated on the license, except when the safety officer is employed by an entity providing contractual services to the third-party certification entity.

- 2) An individual may be issued 2 safety officer licenses in the following combinations:

A) as a safety officer for 2 governmental agencies, or  
 B) as a safety officer for a private entity and a governmental agency.

- 3) All licenses issued to any safety officer shall remain valid indefinitely unless canceled, suspended or revoked. Expiration of licenses--All outstanding licenses issued to any safety officer shall expire on the date the third-party entity license expires unless sooner canceled, suspended, or revoked under the provisions of subsection (i) of this Section.

- 4) Renewal of licenses--The license of each safety officer may be renewed subject to the same conditions as the original license.  
 5) Licenses--Form and Filing--All applications for renewal of a safety officer license shall be on a form prescribed by the Secretary of State and must be filed with the Secretary not less than 30 days preceding the expiration date of the license to be renewed.

## i) Safety Officer

1) Requirements. The Secretary of State shall not issue a safety officer license:

A) unless the safety officer applicant is 21 years of age.  
 B) if the applicant fails to properly make application for such license.  
 C) if the applicant submits a fraudulent application.  
 D) if the applicant owes outstanding fees to the Secretary of State.  
 E) if the applicant's driver's license is currently canceled,

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suspended or revoked.

- F) unless the safety officer applicant is employed by a third-party certifying entity.

G) unless the safety officer applicant has, for at least 2 years immediately preceding application, a valid driver's license in the specific classification in which he/she intends to test and, if intending to skills test school bus permit applicants, a current, valid school bus driver permit.

- H) to any person intending to skills test CDL driver applicants or school bus permit applicants who:

i) has not completed the third party CDL training session administered by the Secretary of State, Driver Services Department's Commercial Driver Training section. The written test will consist of 30 questions pertaining to Secretary of State Examiners Guide for CDL and will be offered by the department at periodic intervals. In order to pass the written test an individual shall answer at least 24 questions correctly. The third party school bus program will have an additional 10 questions and the individual must answer 8 questions correctly in order to pass.

ii) has not passed a CDL skills examination in the classification and/or endorsements in which they intend to skills test. The department will offer this examination at periodic intervals. Each applicant will be given a maximum of 3 opportunities in a twelve month period to pass the commercial driver's license safety officer examination. An applicant for a commercial driver's license safety officer may be allowed to attempt the road test a second time in the same day during normal business hours of the Driver Services facility if he/she fails the first attempt to pass the road test. However, if the applicant demonstrates a danger to the public safety during his/her first attempt to pass a road test, he/she will not be allowed to make a second or subsequent attempt during the same day. An applicant will not be allowed to make a third attempt to pass a road test on the same day in which he/she failed the previous attempt. Individuals who have failed their third examination must wait at least 1 year from the date of the third failure before making a new application.

- I) to any person whose driver's license has been suspended or revoked, within a period of 5 years after the date of application.

J) to any person who fails to properly make application for such safety officer's license or otherwise indicates that

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- K) he/she is disqualified to receive such a license.
- L) to any person who is currently a salaried employee of the Secretary of State.
- M) to the applicant who does not meet the requirements provided in subsection (i)(1)(H) of this Section.
- N) to the applicant who does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to skills test.
- O) to any applicant who has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof.
- P) to any individual who has failed to comply with the provisions of this Part.
- Q) to any person who is an owner or an instructor of a commercial driver training school.
- 2) Denial of License. The Secretary of State shall deny a safety officer's license upon evidence that:
- A) the applicant has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; or reckless homicide or reckless driving, or is suspended under Section 6-206(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code within 5 years prior to the date of application.
- B) the applicant fails to properly make application for such license.
- C) the applicant is not employed by a third-party certifying entity.
- D) the applicant is currently a salaried employee of the Secretary of State.
- E) the applicant is not at least 21 years of age.
- F) the applicant submits a fraudulent application.
- G) the applicant owes outstanding fees to the Secretary of State.
- H) the applicant's driver's license is currently canceled, suspended or revoked.
- I) the applicant's driver's license has been suspended or revoked within a period after 5 years of the date of application. However, suspensions related to auto emissions and parking are exempt from the five year period after the suspension is terminated.
- J) the applicant has not held, for at least 2 years immediately preceding application, a valid license in the classification and/or endorsement in which he intends to test, or the equivalent under the classification system prior to April 1, 1990.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- K) the applicant does not meet the requirements provided in subsection (i)(1)(H) of this Section.
- L) the applicant does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to skills test.
- M) the applicant is an owner or instructor of a commercial driver training school.
- 3) The Secretary of State shall immediately cancel a safety officer's license upon evidence that:
- A) the individual's driver's license is currently canceled, suspended or revoked.
- B) the individual's driver's license has been suspended or revoked within a period of 5 years after the date of application. However, suspensions related to auto emissions and parking are exempt from the 5 year period after the suspension is terminated.
- C) the individual has not held, for at least 2 years immediately preceding application, a valid license in the classification in which he/she intends to test or the equivalent under the classification system prior to April 1, 1990, unless it is a CDL classification or endorsement.
- D) the individual intends to skills test CDL driver applicants, but has not received training equivalent to that given to Secretary of State examiners administering CDL driving skills tests.
- E) the individual is no longer employed by the third-party certification entity or no longer has a valid license.
- F) the individual is currently a salaried employee of the Secretary of State.
- G) the individual owes outstanding fees to the Secretary of State.
- H) the individual fails to administer a minimum of 12 skills tests to candidates for employment or membership as required in subsection (b)(3)(B) of this Section.
- I) the individual is an owner or instructor of a commercial driver training school.
- 4) The Secretary of State shall suspend a safety officer's license:
- A) if it is discovered the safety officer is certifying applicants who have not obtained instruction permits, and/or have not maintained such instruction permits for at least 2 weeks prior to testing and certification.
- B) for improper record keeping in violation of subsection (d)(4)(b)(11) of this Section; and
- C) upon any violation of this Part.
- 5) The Secretary of State shall revoke a safety officer's license upon receipt of evidence that:
- A) the individual has been convicted of driving under the

## SECRETARY OF STATE

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influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; or reckless homicide or reckless driving, or is suspended under Section Sections 6-206(a)(3) or 11-501.1 of the Illinois Vehicle Code within 5 years prior to the date of application.

- B) the individual submits a fraudulent application.  
C) the individual engages in or permits any type of fraudulent activity, either with reference to a student or the Secretary of State, which includes but is not limited to certifying a person not eligible.

- 6) The Secretary of State shall have the discretionary authority to issue warning letters to third-party certifying entities or safety officers for violations of the regulations and laws governing commercial driver training schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

## j) Hearings

- 1) Prior to the denial of a third-party entity and/or safety officer's license, the Department shall send written notice to that person and/or entity. If a formal hearing is requested, the request must be in writing during the notice period. The basis for denial of a license is stated in subsections (g)(1) through (6) and (1)(2)(A) through (L) of this Section.

- 2) Prior to the suspension or revocation of the license or accreditation of a third-party certifying entity or safety officer, the Department will conduct a hearing in accordance with 92 Ill. Adm. Code 100L, Subpart A and Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118], wherein the Department will present competent evidence to establish violations of any regulations or laws governing third-party entities and/or safety officers and seek the appropriate sanctions in accordance with this Section.

- k) Review Under Administrative Law. Judicial Review - The action of the Secretary of State in canceling, suspending, revoking or denying any license under this Act shall be subject to judicial review in the Circuit Court of Sangamon County or the Circuit Court of Cook County, pursuant to Section 2-118 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-118] and the provisions of the Administrative Review Law [735 ILCS 5/Art. 3]. All the provisions and modifications thereto, and all the rules adopted thereto, are hereby adopted and shall apply to and govern every action for judicial review of the final acts or decisions of the Secretary of State under this Section.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Missing Person Birth Records and School Registration

- 2) Code Citation: 20 Ill. Adm. Code 1290

- 3) Section Numbers: 1290.70  
Proposed Action: Amendment

- 4) Statutory Authority: Implementing and authorized by the Missing Children Registration Law [325 ILCS 55] and the Missing Children Records Act [325 ILCS 50].

- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will update the Department of State Police offices to which reports should be directed.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: These rules will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
Post Office Box 19461  
Springfield, Illinois 62794-9461  
Telephone: (217) 782-7658  
Fax: (217) 524-5743

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

DEPARTMENT OF STATE POLICE  
NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2001
- The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF STATE POLICE  
NOTICE OF PROPOSED AMENDMENTS  
  
TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT  
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1290  
MISSING PERSON BIRTH RECORDS AND SCHOOL REGISTRATION

SUBPART A: PROMULGATION

Section  
1290.10 Purpose  
1290.20 Definitions

SUBPART B: REQUIREMENTS AND PROCEDURES

Section  
1290.30 Department Notification Requirements  
1290.40 Registrar Notification Requirements  
1290.50 Custodian Identification Procedures  
1290.60 School Enrollment Identification and Reports  
1290.70 Miscellaneous Provisions

AUTHORITY: Implementing and authorized by the Missing Children Registration Law [325 ILCS 55] and the Missing Children Records Act [325 ILCS 50].

SOURCE: Adopted at 12 Ill. Reg. 22234, effective December 13, 1988; amended at 25 Ill. Reg. , effective .

SUBPART B: REQUIREMENTS AND PROCEDURES

Section 1290.70 Miscellaneous Provisions

- a) All requirements and procedures contained in the Acts shall be followed.
- b) All reports made to the Department under the provisions of the Acts shall be directed to the nearest State Police Region Investigative Office, to the Department's Clearinghouse for Missing and Exploited Children, or to any subsequent functionally equivalent but differently named office of the Department. ~~local--office--of--the--Department's Division-of-Criminal-Investigation--or--to--the--State-Headquarters-of-the--Department's-Division-of-Criminal-Investigation.~~

(Source: Amended at 25 Ill. Reg. , effective )



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Children's Accounts
- 2) Code Citation: 89 Ill. Adm. Code 353
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
353.1	Amended
353.2	Amended
353.3	Amended
353.4	Amended
353.5	Amended
353.6	Amended
353.7	Repealed
353.8	Amended
353.9	Amended
- 4) Statutory Authority: The Children and Family Services Act [20 ILCS 505] and the Probate Act of 1975 [755 ILCS 5].
- 5) Effective Date of Amendments: February 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 28, 2000, 24 Ill. Reg. 11088
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: With the exception of editing changes made by the Joint Committee, no other changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes
- 13) Will these amendments replace emergency amendments currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: To better manage children's accounts by bringing the process up to date with contemporary financial and investment practices and automating the "draw down" process whereby on a monthly basis, the General Revenue and Children Services Fund would be

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

reimbursed for eligible expenses.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Jeff Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield, Illinois 62703-1498  
Telephone: (217) 524-1983  
TDD: (217) 524-3715  
E-Mail: cfpolicy@idcfs.state.il.us

The full text of the adopted amendments begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

parents) have signed an adoptive surrender or voluntary placement agreement with the Department.

"Conserved funds" means the total amount of Social Security, Supplemental Security Income, Veterans', or Railroad Retirement benefits remaining in the child's account at the time the Department ceases to be the representative payee for the benefits.

"Dedicated account" means a no-cost, interest bearing account, established with a lump sum payment of retroactive Supplemental Security Income payments for a child under 18 years of age received from the Social Security Administration that exceeds 6 months of benefits at the current rate.

"Guardianship Administrator" means that person designated by the Director of the Department of Children and Family Services to serve as guardian or custodian of children accepted by the Department pursuant to the Juvenile Court Act of 1987 [705 ILCS 405/2-27] (11-Rev-Stat-1989, ch-377, pars-763-1-1-et-seq); AN Act creating the Department of the Children and Family Services Act, codifying its powers and duties, and repealing certain Acts and Section herein named [20 ILCS 505] (11-Rev-Stat-1989, ch-237, pars-5095-et-seq); the Abused and Neglected Child Reporting Act [325 ILCS 51] (11-Rev-Stat-1989, ch-237, pars-2051-et-seq) and AN Act in relation to the Adoption Act adoption of persons, and to repeal an Act therein named [750 ILCS 50] (11-Rev-Stat-1989, ch-40, pars-1501-et-seq).

"Issuing agency" means the agency making benefit payments on in a child's behalf to the Department of Children and Family Services.

"Restricted account" means a no-cost, interest bearing an account consisting of Veterans' Administration benefits for a child received before October 1, 1979, or other funds being held by the Department of Children and Family Services for a child as the result of a court award, or an inheritance, insurance settlement, gifts, annuity payments, monies accrued from mineral rights payments or an out-of-court settlement. These accounts insurance annuity payments may be deemed restricted by the Department's Guardianship Administrator, or designee.

"Sound investment principles" means an investment plan for managing and investing assets that which is considered safe but also provides the opportunity for increased assets to accrue to a child's account, including but not limited to dedicated and restricted accounts.

(Source: Amended at 25 Ill. Reg. 2709, effective FEB - 1 2001)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER C: FISCAL ADMINISTRATION

PART 353  
CHILDREN'S ACCOUNTS

- Section 353.1 Purpose
- 353.2 Definitions
- 353.3 Establishment of Accounts
- 353.4 Restricted Accounts
- 353.5 Disbursements from Accounts
- 353.6 Account Termination
- 353.7 Payment of Benefits to Parents or Relatives (Repealed)
- 353.8 Funeral and Burial Expenses
- 353.9 Safe-Keeping and Investment of Funds

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505] and the Probate Act of 1975 [755 ILCS 5].

SOURCE: Adopted and codified at 5 Ill. Reg. 7780, effective August 1, 1981; amended at 20 Ill. Reg. 1911, effective January 31, 1986; amended at 25 Ill. Reg. 2709, effective FEB - 1 2001.

Section 353.1 Purpose

The purpose of these rules is to explain how the Department administers with administer the financial accounts of monies received by the Department for children for whom the Department has legal responsibility.

(Source: Amended at 25 Ill. Reg. 2709, effective FEB - 1 2001)

Section 353.2 Definitions

"Board and care payments" includes payments for room, board, clothing, and a personal allowance. Refer to 89 Ill. Adm. Code 359, [Authorized Child Care Payments] concerning establishment of payment rates.

"Child's account" means a no-cost, interest bearing an account established by the Department of Children and Family Services from all monies, public and private, received for a child for whom the Department has legal responsibility.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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## Section 353.3 Establishment of Accounts

When a child for whom the Department has legal responsibility has been determined eligible for ~~Veterans'--Benefits~~, Social Security benefits, Supplemental Security Income, Veterans' Benefits, assistance allotments from the armed forces, court ordered payments, Railroad Retirement, Black Lung Benefits, parental voluntary payments, ~~Supplemental Security--income~~, Railroad Retirement, ~~Black Lung Benefits~~, ~~Black Lung Benefits~~ or other miscellaneous payments, the Department shall set up and administer a child's account, ~~an account for the child~~.

## a) Receipts

The Department shall account for monies received on behalf of for each child, and shall maintain records detailing the source and amount of funds received. ~~and the records shall detail the source and amount of the funds--checks--shall be made payable--to the--"Guardianship Administrator"--as guardian on the child's behalf.~~

## b) Disbursements

The Department shall make disbursements consistent with applicable laws and shall be responsible for keeping complete records of disbursements from each child's account for any purpose. Individual ledgers shall detail the source from which payments are being made. ~~Board and care payments for the child shall be clearly identified and accounted for.~~

(Source: Amended at 25 Ill. Reg. 2709, effective FEB-1-2007)

## Section 353.4 Restricted Accounts

## a) Veterans' Administration-Benefits

1) When a child received benefits from the Veterans' Administration prior to October 17, 1970, a minimum balance of \$400 shall be held in a restricted account for the child per written agreement between the Veterans' Administration and the Department of Children and Family Services providing that maintaining such a restricted account does not disqualify the child from receiving benefits under other programs. Board and care payments shall not be made from such restricted accounts.

2) When the child reaches age 18, the restricted account shall be released to him--if the child is a minor when released from the Department's legal responsibility, the restricted account shall be released in accordance with instructions from the Veterans' Administration. The Department will notify the Veterans' Administration when a child reaches age 18 and is incapable of managing his own funds. The Veterans' Administration will undertake an investigation concerning securing a suitable guardian to handle any funds to which the child is entitled.

b) Other Restricted Accounts  
a) When a child receives an inheritance, insurance settlement,

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## NOTICE OF ADOPTED AMENDMENTS

settlement as a result of a lawsuit ~~set~~, mineral rights payment or gift of less than \$10,000, \$27,500, the Department shall establish a restricted ~~separate~~ account for the child.

1) Monies from such a restricted ~~separate~~ account shall be invested according to sound investment principles. Funds being held as the result of a court award or out-of-court settlement related to an accident or incident shall not be used for the child's board and care. These funds may, however, be used for medical or hospital care or other expenses related to the accident or incident.

2) The balance of a restricted account ~~Funds from such--a--separate account~~ shall be paid over to the child at age 18, or to another person or entity who is legally entitled to act as the guardian of the estate for the child when the child is discharged from the Department's legal responsibility before the age of 18. When a child 18 years of age or over is incapable of managing such funds, the Department shall petition the court of jurisdiction to have a guardian appointed to manage the child's estate.

3) When a child is under the age of 18 and an inheritance, insurance settlement, mineral rights right payment or gift that which exceeds \$10,000 \$27,500 is awarded in the child's name, the Department shall petition the court of jurisdiction to have a guardian appointed to manage the child's estate.

## b) Dedicated Account

1) The Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that retroactive benefit payments of more than 6 times the current federal benefit rate must be deposited into a special "dedicated" account. This dedicated account must be segregated from other funds and shall be invested according to sound investment principles.

2) Use of funds deposited in the dedicated accounts is limited to allowable expenses as approved by the Social Security Administration. Routine care and maintenance is not an allowable expense.

(Source: Amended at 25 Ill. Reg. 2709, effective FEB-1-2007)

## Section 353.5 Disbursements from Accounts

## a) Board and Care

The Department shall make payments ~~disburse monies~~ on a monthly basis from State appropriations ~~from the child's account--to--the~~ for substitute care (room and board and administrative costs), specific services provided directly to the individual child, and medical care not reimbursed through Medicaid ~~care for the child's board and care~~. These payments shall be made at the Department's established rate for the type of care the child receives. These payments are

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reimbursed on a monthly basis from the child's account in the following order: room and board, medical care not reimbursed through Medicaid, and payments relating to specific services provided directly to the child. if the child does not have sufficient monies to pay the full cost of care, the balance shall be paid from the state's general revenue fund.

b) Medical Payments

When a child has been determined ineligible for medical assistance from the Department of Public Aid, disbursement from the child's account shall be made for medical care, and other needed medical items. These payments shall be made at the Department of Public Aid's payment rate. If a child is ineligible for medical assistance from the Department of Public Aid and does not have sufficient monies in his account to pay for needed medical care, the medical care shall be paid from the state's general revenue fund.

b) Expenditures for Other Items

Any balance remaining, after reimbursing paying for the child's substitute board and care services, and the child's unreimbursed medical needs, shall accumulate. The balance may be expended for other items, such as casework services, that which are not specifically identified in subsection (a) as board and care or medical care.

Purchase of these items is contingent upon:

- 1) the effects of the items item(s) on the psychological, social, educational, and physical development of the child; and
- 2) the appropriateness of the item for the child's age and social skills.

c) Reimbursements to the General Revenue Fund/Children's Service Fund

1) On a monthly quarterly basis, the Department shall calculate the amounts paid by the Department for the child's substitute care services, unreimbursed medical care board and care and other expenditures medical care for that month quarter. The child's account shall then reimburse the State's state's account in the following order: general revenue fund for:

- A) the amount paid by the Department for substitute board and care for that month quarter; and
  - B) the amount paid by the Department for services and unreimbursed medical care for that month quarter; or
- 2) If the balance in the child's account is not sufficient to fully reimburse the payments in subsections (c)(1)(A) and (B), the available amount will be used in the same order, with the most recent services being reimbursed first. If the service is more than 6 months old, it is not reimbursable.

E) the amount of the child's account if less than the full amount paid by the Department for the child's board and care and medical care for that quarter.

- 2) The state's general revenue fund shall be reimbursed from the child's account for monies paid by the Department for the child's

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board and care and medical care whether or not such services were provided before or after the actual receipt of funds by the Department for the child.

(Source: Amended at 25 Ill. Reg. 2709, effective 1-1-2001)

Section 353.6 Account Termination

a) The Department shall close a child's account within 90 days after receipt of information related to:

- 1) Change in guardianship/legal status;
- 2) Change in payee;
- 3) Child for whom the Department retains legal responsibility returns home;
- 4) Child no longer eligible for any benefits; or
- 5) Child reaches the age at which he/she is entitled to the receipt of monies.

b) The Department shall make a final accounting of monies. Any disbursement shall be made in accordance with Section 353.5 (Disbursements from Accounts).

c) Upon termination of a child's account:

1) When the Department has conserved funds received from an issuing agency, it shall return any balance, exceeding the amount remitted to the State's funds, to the issuing agency, unless the Department is instructed otherwise by the issuing agency.

2) When the Department has conserved funds from any source other than an issuing agency, it shall return any balance, exceeding the amount remitted to the State's funds, to the parent or guardian who assumes legal responsibility for the child and/or the child's finances, or to the child directly if he or she is emancipated and capable of managing his or her own finances.

a) When the Department no longer has legal responsibility for a child, a final accounting of all monies being held by the Department for the child shall be made. All unreimbursed amounts paid for board and care by the state shall be calculated. When the balance remaining in the child's account is equal to or less than the amount paid for care, the balance shall be remitted to the state's general revenue fund. The Department shall close out a child's account within 90 days after the child reaches age 21 or within 90 days after discharge from the Department's legal responsibility. The Department shall return any balance exceeding the amount remitted to the state's general revenue fund to the issuing agency, unless the Department is instructed otherwise by the issuing agency.

(Source: Amended at 25 Ill. Reg. 2709, effective 1-1-2001)



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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## Section 353.7 Payment of Benefits to Parents or Relatives (Repealed)

When a child for whom the Department retains legal responsibility returns to his natural or adoptive parents, monies received in the child's account shall be paid each month in their entirety by the Department to the parent unless the child is placed again by the Department or unless the child is discharged from the Department's legal responsibility and the account is terminated.

(Source: Repealed at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 353.8 Funeral and Burial Expenses

Upon the death of a child, the funeral and burial expenses shall be paid from the child's account, to the extent possible within the limitations established by the Department of Public Aid in accordance with applicable rules.

(Source: Amended at 25 Ill. Reg. 2709, effective FEB - 1/1/00)

## Section 353.9 Safe-Keeping and Investment of Funds

Monies received from issuing agencies will be deposited in no-cost, interest bearing interest-bearing savings accounts in appropriate financial institutions. Interest earned on the each individual account shall be credited by the Department to that child.

(Source: Amended at 25 Ill. Reg. 2709, effective FEB - 1/1/00)

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Public Information, Rulemaking and Organization

2) Code Citation: 2 Ill. Adm. Code 1925

3) Section Number: Adopted Action:  
1925.293 Amendment

4) Statutory Authority: The Illinois Health Facilities Planning Act [20 ILCS 3960] and the Illinois Administrative Procedure Act [5 ILCS 100/5-15]

5) Effective Date of Rulemaking: January 22, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: N/A

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: N/A

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this rulemaking replace an emergency rulemaking currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Part 1925 contains provisions regarding rulemaking procedures, public information requirements, and descriptive information on the organizational composition of the Health Facilities Planning Board. The revision to this Part was necessitated by the passage of Public Act 91-783 [20 ILCS 3960/4.21]. This new requirement directs the State Board to adopt rules regarding ex parte communication in relation to its internal operations. The adoption of Section 1925.293 was first published at 24 Ill. Reg. 15060 on October 13, 2000. The changes listed below are needed to correct typographical and technical errors from the previous publication.

16) Information and questions regarding these adopted amendments shall be directed to:

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

Donald Jones  
Health Facilities Planning Board  
Division of Facilities Development  
525 West Jefferson, 2nd Floor  
Springfield, Illinois 62761  
Telephone: 217-782-3516  
Fax: 217-785-4308  
TTY (for hearing impaired only): 800-547-0466  
E-mail: djones1@dph.state.il.us

The full text of the adopted amendments begins on the next page:

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
CHAPTER XVIII: HEALTH FACILITIES PLANNING BOARD

## PART 1925

## PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

## SUBPART A: PUBLIC INFORMATION

Section  
1925.10 Procedures for the Public to Obtain Information

## SUBPART B: RULEMAKING

Section  
1925.110 Rulemaking  
1925.120 Request for Adoption of Rules

## SUBPART C: ORGANIZATION

Section  
1925.210 Name, Statutory Authority and Composition  
1925.220 Appointment and Terms of Office  
1925.230 Officers and Committees  
1925.240 Executive Secretary  
1925.250 Description and Chart of State Board Organization (Repealed)  
1925.260 Meetings  
1925.270 Quorum  
1925.280 Matters Requiring State Board Action  
1925.285 Conflict of Interest  
1925.290 Renumeration and Reimbursement  
1925.292 Rules of Order  
1925.293 Ex Parte and Extra-Record Communication  
1925.295 Official Headquarters  
1925.297 Records and Reports  
1925.298 Amendment

## APPENDIX A Chart of Organization of the State Board (Repealed)

**AUTHORITY:** Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 12(2) of the Illinois Health Facilities Planning Act [20 ILCS 3960/12].

**SOURCE:** Adopted at 2 Ill. Reg. 187, effective July 26, 1978; amended at 3 Ill. Reg. 8, p. 57, effective February 18, 1979; amended at 4 Ill. Reg. 25, p. 187, effective June 11, 1979; amended at 3 Ill. Reg. 52, p. 118, effective January 1, 1980; amended at 5 Ill. Reg. 4995, effective April 22, 1981; amended at 6 Ill. Reg. 7221, effective June 9, 1982; amended at 6 Ill. Reg. 11484, effective

## HEALTH FACILITIES PLANNING BOARD

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September 9, 1982; amended at 7 Ill. Reg. 7316, effective May 31, 1983; amended at 8 Ill. Reg. 11518, effective June 27, 1984; codified at 8 Ill. Reg. 16340; amended at 9 Ill. Reg. 6276, effective April 24, 1985; amended at 11 Ill. Reg. 15649, effective September 14, 1987; amended at 24 Ill. Reg. 5671, effective March 14, 2000; amended at 27 Ill. Reg. 15060, effective September 26, 2000; amended at 25 Ill. Reg. 148, effective January 22, 2001.

**Section 1925.293 Ex Parte and Extra-Record Communication**

- a) Except in the disposition of matters that agencies are authorized by law to entertain or dispose of on an ex parte basis including, but not limited to rule making, the State board, any State Board member, employee, or a hearing officer shall not engage in ex parte or extra record communication, after an application for a permit is received, until project completion, in connection with the substance of any application for a permit or an exemption with any person or party or the representative of any party.
- b) A State Board member or employee may communicate with other members or employees and any State Board member or hearing officer may have the aid and advice of one or more personal assistants.
- c) An ex parte or extra record communication received by the State Board, any State Board member, employee, or a hearing officer shall be made a part of the record of the pending matter, including all written communication, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received.
- d) The State Board member, employee or hearing officer who received or made the ex parte or extra record communication shall submit such communications, responses, and memoranda to the Executive Secretary who shall cause them to be filed in the administrative record for the subject project in a separately identified section.
- e) The ex parte or extra record communication, together with all other documents enumerated in this Section ~~subsection~~, shall be available to the public in conformance with the procedures of the the Freedom of Information Act [5 ILCS 140/3]. Prohibited communications shall be reported to the General Assembly and incorporated on the State Board's Internet site.
- f) Any ex parte or extra record communication shall not be considered by the State Board, any State Board member or employee, nor form the basis for any decision, finding of fact or order.
- g) "Ex Parte communication ~~communication~~" or "extra record communication" means a communication between a person who is not a State Board member or employee and a State Board member or employee that reflects on the substance of a pending State Board proceeding and that takes place outside the record of the proceeding. Communications regarding matters of procedure and practice, such as the format of pleading, number of copies required, manner of service, and status of proceedings, are not

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- h) Written communication made by applicants, persons, parties, or their representatives shall not be considered ex parte or extra record if made in accordance with the procedures authorized by Parts 1130, 1140 and 1180 of the State Board rules.
- i) Written communications made by applicants or permit holders in response to inquiries made by Agency staff in connection with project review, to Agency reports, to State Board questions or requests for information, or as otherwise authorized by State Board rules shall be made part of the record and are not considered prohibited communications. All other communications by applicants or permit holders are prohibited communications, except for requests for information pertaining to procedure or the status of a pending application or permit.
- j) Any communication, written or oral, received from a member of the public, news media, interested persons, legislative members, or other persons regarding any matter other than the status of an application which is not authorized by the public comment process specified in 77 Ill. Adm. Code 1140 Part-1140 of the State Board rules is ex parte or extra record communication and is prohibited.
- k) The Executive Secretary shall maintain a record of inquiries and responses regarding an application for permit or exemption.
- l) For purposes of this Section, "employee" means a person the State Board or the Agency employs on a full-time, part-time, contract, or intern basis.
- m) The State Board, State Board member, or hearing examiner presiding over the proceeding, in the event of a violation of this Section, must take whatever action is necessary to ensure that the violation does not prejudice any party or adversely affect the fairness of the proceedings.
- n) Nothing in this Section shall be construed to prevent the State Board board or any member of the State board or any employee from consulting with the attorney for the State Board.

(Source: Amended at 25 Ill. Reg. 2718, effective January 22, 2001)

## SECRETARY OF STATE

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## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses of Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3) Section Numbers: Adopted Action  
1040.60 Amendment

4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

5) Effective Date of Amendment: January 31, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 15914; October 27, 2000

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect?  
Yes

14) Are there any amendments pending on this Part? Yes

15) Summary and Purpose of Amendment: Public Act 91-716 was approved June 2, 2000, with an effective date of October 1, 2000. The Office of the Secretary of State had to complete programming changes prior to drafting the rules by which this Act would be administered.

16) Information and questions regarding this adopted rulemaking shall be directed to: Robert W. Mueller  
Driver Services Department 217-782-5356  
2701 S. Dirksen Parkway  
Springfield IL 62723

The full text of the adopted amendment begins on the next page:



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## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1040

## CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

- Section  
1040.10 Court to Forward Licenses and Reports of Convictions  
1040.20 Illinois Offense Table  
1040.25 Suspension or Revocation for Driving Without a Valid Driver's License  
1040.29 2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years  
1040.30 3 Or More Traffic Offenses Committed Within 12 Months  
1040.31 Operating A Motor Vehicle During a Period of Suspension or Revocation  
1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently  
1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device  
1040.35 Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction  
1040.36 Suspension for Violation of Restrictions on Driver's License  
1040.37 Suspension for Violation of Restrictions on Instruction Permit  
1040.38 Commission of a Traffic Offense in Another State  
1040.40 Repeated Convictions or Collisions  
1040.41 Suspension of Licenses for Curfew Violations  
1040.42 Fleeing and Eluding  
1040.43 Illegal Transportation  
1040.46 Fatal Accident and Personal Injury Suspensions or Occupational Vehicle Emission Suspensions  
1040.48 Driver Remedial Education Course  
1040.50 Suspension of License of Commercial Vehicle Driver  
1040.52 Driver Remedial Education Course  
1040.55 Suspension for Driver's License Classification Violations  
1040.60 Release of Information Regarding a Disposition of Court  
1040.65 Offenses Occurring on Military Bases  
1040.66 Invalidation of a Restricted Driving Permit  
1040.70 Problem Driver Pointer System  
1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card  
1040.100 Rescissions  
1040.101 Reinstatement Fees  
1040.102 Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions  
1040.105 Suspension for 5 or More Tollway Violations and/or Evasions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and

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authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 5083, effective January 1, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 12340, effective JAN 31 2001.

Section 1040.60 Release of Information Regarding a Disposition of Court Supervision

a) For purposes of this Section, the following definitions shall apply:

"Driving Abstract" - a record kept by the Department of Driver Services on each driver licensed by the State of Illinois.

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containing all information required by Section 6-106(b) of the Illinois Vehicle Code [625 ILCS 5/6-106(b)], and all records of each driver's violations of the traffic laws, and administrative actions pertaining to driving privileges.

"Law Enforcement Officials" - police agencies, state's attorneys' offices or court officials.

"Request" - the application upon the designated form, an approved electronic format, or an acceptable alternative for obtaining of a driving abstract and supervision history record.

"Supervision History Record" - a record kept by the Department of Driver Services on each person containing supervision disposition information provided in accordance with Section 6-204(a) of the Illinois Vehicle Code [625 ILCS 5/6-204(a)].

b) Information pertaining to a driver's placement on court supervision for any offense as listed in Section 1040.20 of this Part shall not be released or made available to any source, except as expressly provided in subsection (c) of this Section.

c) Information pertaining to a driver's placement on court supervision for any offense shall be released to law enforcement officials, the driver, or his/her attorney upon receipt of the proper request. The Office of the Secretary of State shall provide sufficient information on the driver's driving abstract and supervision history record to enable the requesting party to obtain specific details of the matter by contacting the court that has previously granted the disposition of supervision.

a) Information pertaining to a driver's placement on court supervision for any of the following offenses of the Illinois Vehicle Code or similar provisions of a local ordinance:

- 1) Section 6-303, Driving while license is suspended or permit to operate a motor vehicle is suspended or revoked;
- 2) Section 11-401, Leaving the scene of a traffic accident involving death or personal injury;
- 3) Section 11-501, Driving under the influence of alcohol, other drugs, or a combination thereof;
- 4) Section 11-503, Reckless driving, or
- 5) Section 11-504, Drag racing;

shall not be released or made available to any source outside the Office of the Secretary of State except as expressly provided in subsection (c) of this Section.

b) Information pertaining to placement of a driver under age 21 on court supervision for any of the following offenses of the Illinois Vehicle Code or similar provisions of a local ordinance:

- 1) Section 6-101, Operating a motor vehicle without a valid license or permit;

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2) Section 11-402(a), Collision involving damage to vehicles only; failure to stop, exchange information and make report;

3) Section 11-403, Failure to stop and exchange information after motor vehicle collision; property damage only;

4) Section 11-403, Failure to stop and exchange information or give aid after motor vehicle collision; personal injury involved;

5) Section 11-502, Illegal transportation; possession or carrying any alcoholic liquor within the passenger area of any motor vehicle;

6) Section 11-601, Speeding charge; 30 miles per hour or more above the legal speed limit;

7) Section 11-503, Reckless driving;

8) Section 11-707(b), Driving on the left side of roadway where prohibited;

9) Section 11-707(d), Passing in a no-passing zone;

10) Section 11-1402(b), Limitations on backing upon controlled access highway;

11) Section 11-1002(a), Failure to yield right-of-way to a pedestrian at an intersection;

12) Section 11-1008, Failure to yield to a pedestrian on a sidewalk or

13) Section 11-1201, Failure to stop for approaching railroad train or signal;

shall not be released or made available to any source outside the Office of the Secretary of State except as expressly provided in subsection (c) of this Section.

c) Information pertaining to a driver's placement on court supervision for any of the offenses named in subsections (a) and (b) of this Section shall be released to the following parties only upon receipt of a proper written request: Federal Courts, State Courts, prosecuting authorities, law enforcement authorities, the driver, or his/her attorney.

1) Proper request shall mean a written request for an abstract of driver's record submitted pursuant to Section 2-123 of the Illinois Vehicle Code. The request shall be submitted on the business letterhead of the requesting party and shall be signed by the judge, the prosecutor of the agency, the law enforcement authority, or the individual's attorney. Any individual may also request an abstract of his/her driving record. The request shall include the following information concerning the driver: if such information is known to the requesting party,

- A) full name including middle initial;
- B) address;
- C) birthdate;
- D) sex;
- E) driver's license number;
- F) date of offense;
- G) offense charged.

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2) ~~H) court date, if applicable. She office of the Secretary of State shall provide sufficient information on the abstract of a driver's record to enable the requesting party to obtain specific details of the matter by contacting the court which has previously granted the disposition of supervision.~~

(Source: Amended at 25 Ill. Reg. 2723-- effective  
JAN 31 2001)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Arthur F. Quern Information Technology Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2740
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2740.10	New Section
2740.20	New Section
2740.30	New Section
2740.40	New Section
- 4) Statutory Authority: Implementing Section 65.57 of the Higher Education Student Assistance Act [110 ILCS 947/65.57] and authorized by Sections 20(f) and 65.57 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.57].
- 5) Effective Date of Rules: February 15, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 15, 2000, 24 Ill. Reg. 13856
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposed and final version: No letters of public comment were received. A number of minor technical and grammatical nonsubstantive changes have been made in order to clarify language, to comply with the codification requirements of the Illinois Secretary of State, and to respond to JCAR staff suggestions. Section 2740.30(j) was deleted as superfluous and the last 2 subsections renumbered.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules govern the administration of the new Arthur F. Quern Information Technology Grant Program. The rulemaking sets forth the applicant eligibility requirements, program procedures and institutional procedures.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

- 16) Information and questions regarding these adopted rules shall be directed to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015  
(847) 948-8500  
email: tbreyer@isac.org

The full text of the adopted rules begins on the next page.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2740

## ARTHUR F. QUERN INFORMATION TECHNOLOGY GRANT PROGRAM

Section	Summary and Purpose
2740.10	Summary and Purpose
2740.20	Applicant Eligibility
2740.30	Program Procedures
2740.40	Institutional Procedures

**AUTHORITY:** Implementing Section 65.57 of the Higher Education Student Assistance Act [110 ILCS 947/65.57] and authorized by Sections 20(f) and 65.57 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.57].

**SOURCE:** Adopted at 25 Ill. Reg. 2730 --, effective FEB 15 2000.

**Section 2740.10 Summary and Purpose**

- a) The Arthur F. Quern Information Technology Grant Program provides grant assistance for retraining in information technology (IT) fields to qualified students pursuing additional certification or a degree in an IT field at a degree-granting institution.
- b) This Part establishes rules that govern the Arthur F. Quern Information Technology Grant Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

**Section 2740.20 Applicant Eligibility**

A qualified applicant shall be:

- a) a United States citizen or eligible noncitizen;
- b) a resident of Illinois;
- c) a high school graduate or a person who has received a General Educational Development (GED) Certificate;
- d) enrolled, or accepted for enrollment, on at least a half-time basis in an eligible program of undergraduate information technology related study, as determined by the Illinois Board of Higher Education (IBHE), at an ISAC-approved degree-granting institution of higher learning; and
- e) pursuing additional certification or a degree in an information technology field.

**Section 2740.30 Program Procedures**

- a) All applicants must complete and file the form that the U.S.



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Department of Education (ED) designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC) that is used as a selection criteria for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 1070a).)

- b) A completed ISAC application for a Quern IT Grant must be postmarked on or before May 1 immediately preceding the academic year for which the grant is being requested, in order to receive priority consideration for an award.
- c) If the student section of an ISAC application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- d) ISAC shall make renewal applications available to all qualified students who received a Quern IT Grant during the preceding academic year.
- e) ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria.
  - 1) Expected Family Contribution (EFC), from the lowest to the highest;
  - 2) Students who have received a baccalaureate degree shall receive priority consideration;
  - 3) Recipients of assistance under the Quern IT Grant Program during the previous academic year shall receive first priority consideration provided the student:
    - A) maintains his or her status as a qualified applicant, as outlined in Section 2740.20 of this Part, Applicant Eligibility;
    - B) maintains satisfactory academic progress as determined by the institution; and
    - C) has submitted an application on a timely basis.
- f) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.
- g) Grant funds are applicable toward two semesters/three quarters of half-time and full-time study within an academic year.
- h) The total number of grants awarded in a given fiscal year is contingent upon available funding.
- i) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration dates and factors established by this Section.
- j) Notice of eligibility shall be sent by ISAC to each qualified applicant who is selected to receive a Quern IT Grant. A notice will be sent by ISAC to each qualified applicant who is not selected to receive a grant.
- k) Renewal recipients may receive a subsequent award even if their

## ILLINOIS STUDENT ASSISTANCE COMMISSION

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program is no longer on the list of approved programs.

**Section 2740.40 Institutional Procedures**

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.
- b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment.
- c) Grant Amount
  - 1) Quern IT Grants are applicable toward tuition and fees and other educational costs included in the student's cost of attendance, as defined at Section 472 of the Higher Education Act of 1965, as amended (20 USCA 108711).
  - 2) The annual grant amount shall be computed by the institution and shall be the lesser of:
    - A) \$2500, or
    - B) the student's cost of attendance.
  - 3) A qualified recipient may be eligible to receive the Quern IT Grant for up to two academic years.
  - 4) If the recipient does not qualify for the maximum \$2500 grant during the student's first academic year, the excess award amount shall not be carried forward to the award amount for a subsequent academic year.
  - 5) The total amount of Quern IT Grant assistance awarded to a qualified applicant in a given academic year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
  - 6) A qualified applicant may receive grant assistance under the Monetary Award Program only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the Quern IT Grant.
- d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
- e) Upon receipt of grant funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the grant funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.
- f) Upon receipt of the grant funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the recipient may still receive payment up to the cost of attendance incurred.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Child Care

2) Code Citation: 89 Ill. Adm. Code 50

3) <u>Section Numbers:</u>	<u>Emergency Action:</u>
50.510	New Section
50.520	New Section
50.530	New Section
50.540	New Section
50.550	New Section
50.560	New Section
50.570	New Section
50.580	New Section

4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13] and Section 10-22 of the Department of Human Services Act [20 ILCS 1305/10-22].

5) Effective Date of Amendments: February 5, 2001

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date filed with the Index Department: February 5, 2001

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Research confirms that the quality of child care depends mostly on:

- 1) a long term and consistent relationship between the child and the caregiver; and
- 2) the educational level of the caregiver.

Unfortunately for children in Illinois, the turnover rate for child care teachers, assistant teachers, school-age workers, and assistant school-age workers are 45%, 54%, 50% and 54% respectively. Further, a majority of child care workers have attained only the minimum education required by licensing standards.

The Great START program is designed to specifically reduce turnover and increase educational attainment of staff. Enacting this rule on an emergency basis is expected to address and abate this critical condition

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

facing child care programs throughout the State.

10) A Complete Description of the Subject and Issues: Pursuant to provisions of 20 ILCS 1305/10-22, these proposed amendments implement the Great START (Strategy To Attract and Retain Teachers) Program.

11) Are there any other amendments pending on this Part? No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding these amendments shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50  
CHILD CARE

## SUBPART A: GENERAL PROVISIONS

## Section

50.101 Incorporation by Reference  
50.110 Participant Rights and Responsibilities  
50.120 Notification of Available Services  
50.130 Child Care Overpayments and Recoveries

## SUBPART B: APPLICABILITY

## Section

50.210 Child Care  
50.220 Method of Providing Child Care  
50.230 Child Care Eligibility  
50.235 Income Eligibility Criteria  
50.240 Qualified Provider  
50.250 Additional Service to Secure or Maintain Child Care

## SUBPART C: PAYMENT FEES

## Section

50.310 Fees for Child Care Services  
50.320 Maximum Annual Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Care

## SUBPART D: CHILD CARE ABUSE AND NEGLECT

## Section

50.410 Provider Eligibility  
50.420 Payment for Child Care Services

## SUBPART E: GREAT START PROGRAM

## Section

50.510 Great START Program  
EMERGENCY  
50.520 Method of Providing the Wage Supplement  
EMERGENCY  
50.530 Eligibility  
EMERGENCY  
50.540 Employer Responsibility

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## EMERGENCY

50.550 Notification of Eligibility

## EMERGENCY

50.560 Phase-in of Wage Supplement Scale

## EMERGENCY

50.570 Wage Supplement Scale

## EMERGENCY

50.580 Evaluation

## EMERGENCY

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13] and implementing Section 10-22 of the Department of Human Services Act [20 ILCS 1305/10-22].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2795, effective February 5, 2001, for a maximum of 150 days.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## SUBPART E: GREAT START PROGRAM

## Section 50.510 Great START program

## EMERGENCY

a) Subject to a specific appropriation and for as long as funds are available, the Department shall administer the Great START (Strategy To Attract and Retain Teachers) Program.

b) The Great START Program shall provide wage supplements to child care center and day care home personnel defined as:

- 1) persons employed by a licensed child care center, including early childhood teachers, school age workers, early childhood assistants, school age assistants, and directors, as such positions are defined by the Department of Children and Family Services at 89 Ill. Adm. Code 407; and
- 2) persons operating or employed by a licensed day care home or group day care home, including caregivers and assistants, as such

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

positions are defined by the Department of Children and Family Services at 89 Ill. Adm. Code 406 and 408.

(Source: Added by emergency rulemaking at 25 Ill. Reg. effective February 5, 2001, for a maximum of 150 days)

### Section 50.520 Method of Providing the Wage Supplement EMERGENCY

- a) The specific appropriation amount shall be divided into 12 monthly allocations to be paid out to eligible participants through 6 semi-annual payment schedules as follows:

- 1) semi-annual payments in January and July;
- 2) semi-annual payments in February and August;
- 3) semi-annual payments in March and September;
- 4) semi-annual payments in April and October;
- 5) semi-annual payments in May and November; and
- 6) semi-annual payments in June and December.

- b) Applications will be processed in the order they are received. Once the monthly allocation has been awarded to eligible applicants, all remaining applications will be rolled over to the next month's allocation. That process will continue until all funds are obligated. Approved applications that have been received after all funds are obligated will be retained on file and will be considered first if additional funds become available either through increased appropriation or attrition.

- c) The wage supplement shall be provided to child care personnel, as defined in Section 50.510(b) of this Section, by direct payment to the eligible applicant. The amount of the wage supplement shall be subject to applicable income taxes. All applicants will be required to submit a completed W9 certification.

- d) It is the responsibility of the eligible applicant to report the income from the wage supplement to the IRS on annual tax returns in accordance with IRS rules and regulations. The Department or its agents shall report to IRS payment of wage supplements to an individual in excess of \$600.

(Source: Added by emergency rulemaking at 25 Ill. Reg. effective February 5, 2001, for a maximum of 150 days)

### Section 50.530 Eligibility EMERGENCY

- a) To the extent resources permit, the Great START Program will be open to all eligible child care personnel statewide who have attained education above licensing requirements as defined by the administrative rules of the Illinois Department of Children and Family Services and who are employed and working in Illinois. Child care

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

personnel may apply for wage supplements commensurate with their education. Child care personnel will be required to submit an application to determine eligibility for the wage supplement. The Department may, at its discretion, alter and prioritize the eligibility criteria depending on available resources. For FY 2001, child care personnel must meet the following eligibility criteria:

- 1) completed 2 years of continuous full-time employment or self-employment with the same program in a position working directly with children at the time of initial application and for 6-month intervals thereafter;

- 2) earning an hourly wage of no more than the amount established by the T.E.A.C.H. Program income eligibility guidelines, which for FY 2001 is \$15;

- 3) employed in a full year, full day program, defined as a program that operates 12 months a year and serves children a minimum of 8 hours daily;

- 4) working full time, defined as 30 hours per week or more; and

- 5) working with children more than 50% of the employment day.

- b) Beginning in FY 2002, in addition to the above criteria, the following eligibility criteria will be available to applicants:

- 1) completed one year of continuous employment with the same program in a position working directly with children at the time of initial application and for 6-month intervals thereafter;

- 2) working part time, defined as 15 to 29 hours per week (supplement will be pro-rated); or

- 3) employed as a program administrator working with children less than 50% of the employment day.

- c) The applicant is responsible for providing all information and documentation to demonstrate his/her qualifications for a particular wage supplement level and option. Required information includes, but is not limited to, official college transcripts, name, address, telephone number, social security number, birth date, employment information verified by the employer such as employer name and address, position, wages (including pay stubs), and length of service. Day Care home and group day care home applicants will be required to submit documentation, as prescribed by the Department, to substantiate the hourly wage requirement and may include copies of tax information and forms provided to the Internal Revenue Service and/or to the Illinois Department of Revenue.

- d) Once an applicant is determined to be eligible for the Great START program, he or she may apply for a wage supplement payment at 6-month intervals. Additional payments are not automatic. Child care personnel are required to submit a renewal application for additional supplements, including employment and wage documentation. Renewal applications must be submitted within 30 days after the date the individual becomes eligible for the semi-annual payment.

- e) Wage supplements will be awarded as long as sufficient funds are available. Approved applications that are received after funding runs



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

out will remain on file. These applications will be considered first for funding when additional resources become available either through increased appropriation or attrition. Approved applications will be prioritized for payment in the following order:

- 1) all applicants on a waiting list from FY 2001;
- 2) all applicants that meet criteria under subsection (a);
- 3) all applicants that meet criteria under subsection (b)(1);
- 4) all applicants that meet criteria under subsection (b)(2);
- 5) all applicants that meet criteria under subsection (b)(3).

(Source: Added by emergency rulemaking at 25 Ill. Reg. effective February 5, 2001, for a maximum of 150 days)

**Section 50.540 Employer Responsibility****EMERGENCY**

The child care employer shall be responsible for verifying the wage and employment information on the Great START application. To participate in this program, the employer may not withhold annual wage increases from an employee simply because the employee has been determined eligible for a wage supplement. The Department has the right to review books and records to verify that employee increases are not withheld. If the Department determines that a child care employer has withheld annual increases to Great START participants, the employer may be banned from participation in the program. The Department may reinstate the employer in the program if the employer can establish compliance with this Subpart.

(Source: Added by emergency rulemaking at 25 Ill. Reg. effective February 5, 2001, for a maximum of 150 days)

**Section 50.550 Notification of Eligibility****EMERGENCY**

The Department or its agents will notify applicants, in writing, of eligibility for the wage supplement within 60 days after receipt of the application. Child care personnel that disagree with the eligibility determination may apply for reconsideration by writing to the Great START Director within 60 days after notification of the original determination. Final decision on eligibility for the program will be made by the Great START Director after consultation with the Department or its designee.

(Source: Added by emergency rulemaking at 25 Ill. Reg. effective February 5, 2001, for a maximum of 150 days)

**Section 50.560 Phase-in of Wage Supplement Scale****EMERGENCY**

- a) The wage supplement scale, as illustrated in Section 50.570, can not

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

be implemented in full within the FY 2001 appropriation amount. The Department will roll out the scale as outlined below. The Department may, at its discretion, alter the roll out schedule depending on available resources. The applicant must specify what level and option he or she is applying for at the time of application. For FY 2001, child care personnel that meet or exceed the eligibility criteria defined in Section 50.530(a) may apply for a wage supplement for no less than the following parts of the scale:

- 1) Level 2, option A;
- 2) Level 2, option B;
- 3) Level 4, option A (IDHS/INCCRA approved certificates only);
- 4) Level 6, option A;
- 5) Level 9, option A;
- 6) Level 10, option A.

- b) For FY 2002, child care personnel that meet or exceed the eligibility criteria in Section 50.530(a) and (b) may apply for a wage supplement for the parts of the scale identified in subsection (a) of this Section and no less than the following additional part of the scale:

- 1) Level 1;
- 2) Level 2, option C;
- 3) Level 5, option C;
- 4) Level 6, option B;
- 5) Level 6, option E;
- 6) Level 7, option C;
- 7) Level 8, option B;
- 8) Level 8, option C;
- 9) Level 8, option D;
- 10) Level 9, option B;
- 11) Level 10, option B.

- c) For FY 2003, child care personnel that meet or exceed the eligibility criteria in Section 50.530(a) and (b) may apply for a wage supplement for the parts of the scale identified in subsections (a) and (b) of this Section and no less than the following additional parts of the scale:

- 1) Level 3, option A;
- 2) Level 3, option B;
- 3) Level 3, option C;
- 4) Level 4, option B;
- 5) Level 4, option C;
- 6) Level 5, option A;
- 7) Level 5, option B;
- 8) Level 5, option D;
- 9) Level 6, option C;
- 10) Level 6, option D;
- 11) Level 7, option A;
- 12) Level 7, option B;
- 13) Level 8, option A.

- d) After the initial application and wage supplement payment, child care

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF EMERGENCY AMENDMENTS

personnel who remain at the same Great START level with the same employer will be eligible to receive a supplement on a continuing basis at 6-month intervals. In order to increase the amount of the wage supplement, a child care worker must move to another Great START level through increased educational attainment.

e) After the initial application and receipt of the wage supplement, child care personnel who leave the employ of a center or home to work for a different center or home must work for the new employer for one continuous year before he or she may reapply for subsequent wage supplement payments.

(Source: Added by emergency rulemaking at 25 Ill. Reg. effective February 5, 2001, for a maximum of 150 days)

2735

Section 50.570 Wage Supplement Scale  
EMERGENCY

All Assistants, Teachers, Family Child Care Providers, and Directors To be eligible for the program, applicants must achieve a "C" or higher in all early childhood/child development coursework.

Level	Option	Education	Eligibility(2)	Supplement(3)
1		6 sem. (9 qtr.) hrs. in ECE/CD(1)	A/FCC	150
2	A	CDA	A/FCC	225
2	B	CCP	A/FCC	
2	C	12 sem. hrs. towards a degree (9 in ECE/CD)	A/FCC	
3	A	24 sem. (36 qtr.) hrs. towards an Associates Degree in ECE/CD	A/FCC	375
3	B	24 sem. (36 qtr.) hrs. related field (9 sem. hrs. ECE/CD)	A/FCC	
3	C	CDA/CCP + 12 sem. (18 qtr.) hrs. towards a degree	A/FCC/T	
4	A	Early Childhood Certificate (Under Approval)	A/FCC/T	525

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NOTICE OF EMERGENCY AMENDMENTS

4	B	36 sem. (54 qtr.) hrs. towards Associates Degree in ECE/CD	A/FCC	
4	C	36 sem. (54 qtr.) hrs. towards a degree in related field (12 sem. hrs. in ECE/CD)	A/FCC	
5	A	48 sem. (72 qtr.) hrs. towards Associates Degree in ECE/CD	A/FCC	675
5	B	48 sem. (72 qtr.) hrs. towards a degree in a related field (15 sem. hrs. in ECE/CD)	A/FCC	
5	C	Associates Degree with non-ECE/CD major (15 sem. hrs. in ECE/CD)	A/FCC	
5	D	60 sem. (90 qtr.) hrs. towards a degree in unrelated field (15 sem. hrs. in ECE/CD)	A/FCC/T	
6	A	Associates Degree in ECE/CD	A/FCC/T/D	825
6	B	Associates Degree in any field with 30 sem. (45 qtr.) hrs. in ECE/CD	A/FCC/T/D	
6	C	60 sem. hrs. towards a degree in ECE or related field (15 sem. hrs. ECE/CD; 21 sem. hrs. for Dir.)	A/FCC/T/D	
6	D	90 sem. hrs. towards a degree in an unrelated field (15 sem. hrs. in ECE/CD; 21 sem. hrs. for Dir.)	A/FCC/T/D	
6	E	Director's Credential	D	

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

I

7 A 72 sem. hrs. towards A/FCC/T 975Bachelors Degree in ECE/CD7 B 90 sem. hrs. towards a A/FCC/TBachelors Degree in related field (18 sem. (27 qtr.) hrs. in ECE/CD)7 C Bachelors Degree in an unrelated field (18 sem. hrs. in ECE/CD) A/FCC/T8 A 90 sem. hrs. towards a A/FCC/T/D 1200Bachelors Degree in ECE or CD8 B Bachelors Degree in related field (24 sem. or 36 qtr. hrs. ECE/CD) A/FCC/T/D8 C Bachelors Degree in unrelated field (30 hrs. in ECE/CD) A/FCC/T/D8 D Director's Credential D

II

9 A Bachelors Degree in ECE/CD A/FCC/T/D 15759 B Masters Degree in an unrelated field (30 hrs. in ECE) A/FCC/T/D10 A Masters Degree in ECE/CD A/FCC/T/D 195010 B Director's Credential D

III

1 ECE = Early childhood Education

CD = Child Development

2 A = Assistant, FCC = Family Child Care Provider, T = Teacher,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

D = Director

3 Rationale for the Scale: The first 6 hours are awarded a \$150 supplement. After that, hours of education are valued at \$25/hour for those moving towards a degree in early childhood or child development.

(Source: Added by emergency rulemaking at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days)

Section 50.580 Evaluation  
EMERGENCY

The Department shall evaluate the Great START Program, gather data on turnover rates, educational attainment, and other relevant issues and submit a report to the General Assembly on the Great START Program by December 31, 2002.

(Source: Added by emergency rulemaking at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PUBLIC HEARING ON PROPOSED RULE

1) Heading of the Part: Early Intervention

2) Code Citation: 89 Ill. Adm. Code 500

3) Register Citation to Notice of Proposed Rules: Not yet published

4) Date, Time and Location of Public Hearings:

Thursday, March 8, 2001

10:00 A.M. - 12:00 P.M.

James R. Thompson Center Auditorium

100 W. Randolph

Chicago, Illinois

5) Other Pertinent Information: The hearing will be held for the sole purpose of gathering public comments on the proposed Amendments. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Human Services will adhere to the following procedures in the conduct of the hearing:

1) No oral testimony shall exceed an aggregate of ten (10) minutes. All persons wishing to provide oral testimony must register by 11:00 A.M.

2) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.

3) No person will be recognized to speak for a second time until all persons wishing to testify have done so.

4) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedures, including the order of call of witnesses, as she/he deems necessary.

5) Persons requiring reasonable accommodation due to disability must contact the Bureau of Administrative Rules and Procedures by March 1, 2001.

6) Name and Address of Agency Contact Person: Questions regarding these proposed Amendments or the public hearing shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, IL 62762

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PUBLIC HEARING ON PROPOSED RULE

(217) 785-9772



## DEPARTMENT OF HUMAN SERVICES

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PUBLIC HEARING ON PROPOSED RULE

## NOTICE OF PUBLIC HEARING ON PROPOSED RULE

1) Heading of the Part: Early Start Program

2) Code Citation: 89 Ill. Adm. Code 502

3) Register Citation to Notice of Proposed Rules: 25 Ill. Reg. 2736 - -

4) Date, Time and Location of Public Hearing:

Thursday, March 8, 2001

1:30 P.M. - 3:30 P.M.

James R. Thompson Center  
Auditorium

100 W. Randolph

Chicago, Illinois 60601

5) Other Pertinent Information: The hearing will be held for the sole purpose of gathering public comments on the proposed rules. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Human Services will adhere to the following procedures in the conduct of the hearing:

- a) No oral testimony shall exceed an aggregate of ten (10) minutes.
- b) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
- c) No person will be recognized to speak for a second time until all persons wishing to testify have done so.
- d) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedures, including the order of call of witnesses, as she/he deems necessary.
- e) Persons requiring reasonable accommodation due to disability must contact the Bureau of Administrative Rules and Procedures by March 1, 2001.

6) Name and Address of Agency Contact Person: Questions regarding these proposed rules or the public hearing shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield IL 62762

Telephone number: (217) 785-9772

## ENVIRONMENTAL PROTECTION AGENCY

## REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: General Procedures for Emissions Tests Averaging
- 2) Code Citation: 35 Ill. Adm. Code 283
- 3) Section Numbers: 283.120
- 4) Date Proposal published in Illinois Register: January 7, 2000, 24 Ill. Reg. 204
- 5) Date Adoption published in Illinois Register: September 29, 2000, 24 Ill. Reg. 14428
- 6) Summary and Purpose of Expedited Correction: The Agency is requesting expedited correction of typographical errors outlined as follows:  
  
Section 283.120(a): Change "42 USC 7401" to "42 USC 7411"  
Change "42 USC 7402" to "42 USC 7412"  
  
The Agency believes that the corrections are non-substantive, that making the corrections will result in no hardship, and that the public interest will be served by completing these corrections.

- 7) Information and questions regarding this request shall be directed to:

Alec Messina  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue E.  
Springfield IL 62794-9276  
217/782-5544  
217/782-9807 (Fax)

## ENVIRONMENTAL PROTECTION AGENCY

## REQUEST FOR EXPEDITED CORRECTION

- TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY  
PART 283  
GENERAL PROCEDURES FOR EMISSIONS TESTS AVERAGING  
SUBPART A: INTRODUCTION

Section	Purpose
283.110	283.110 Purpose
283.120	283.120 Applicability
283.130	283.130 Definitions
SUBPART B: PROCEDURES FOR AVERAGING OF TEST RESULTS	
283.210	283.210 Criteria for Averaging Tests
283.220	283.220 Test Plan Requirements
283.230	283.230 Changes to the Test Plan
283.240	283.240 Averaging Procedure
283.250	283.250 Compliance Determination

AUTHORITY: Implementing and authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/4].

SOURCE: Old Part repealed at 13 Ill. Reg. 9501, effective June 12, 1989; new Part adopted at 24 Ill. Reg. 14428, effective September 11, 2000; expedited correction at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: INTRODUCTION

## Section 283.120 Applicability

For the purpose of determining the compliance of an emission unit with an applicable limitation, standard, or permit conditions, unless otherwise specified by 35 Ill. Adm. Code Subtitle B, the arithmetic average of at least three valid test runs may be used, subject to the limitations and conditions contained in this Part. The emissions tests averaging procedure set forth in this Part may not be used for determining the compliance status of the following types of emission units:

- a) Emission units that are subject to the testing requirements set forth in Section 111 of the Clean Air Act, 42 USC 7411 7402, Section 112 of the Clean Air Act, 42 USC 7412 7402, or the regulations promulgated under those statutes; or
- b) Emission units that are being tested for emissions generated by any of the following types of waste: hazardous waste, as defined by Section 3.15 of the Illinois Environmental Protection Act [415 ILCS 5/3.15], or municipal waste, as defined by Section 3.21 of the Illinois

## ENVIRONMENTAL PROTECTION AGENCY

## REQUEST FOR EXPEDITED CORRECTION

Environmental Protection Act [415 ILCS 5/3.21].

(Source: Expedited correction at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF BANKS AND REAL ESTATE

NOTICE OF WITHDRAWAL OF EMERGENCY RULE  
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON  
ADMINISTRATIVE RULES

- 1) Heading of the Part: High Risk Home Loans
- 2) Code Citation: 38 Ill. Adm. Code 345
- 3) Section Numbers:      Action:  
345.130                      Withdraw  
345.140                      Withdraw  
345.150                      Withdraw
- 4) Date Notice of Emergency Rule Published in Register: December 29, 2000;  
24 Ill. Reg. 19308
- 5) Date JCAR State of Objection Published in the Register: January 26, 2001;  
25 Ill. Reg. 1855
- 6) Summary of Action taken by Agency: Based on the fact that the industry subject to this rulemaking has agreed to work with the Agency on the design of a form that would provide the data being requested by April 1, 2001, the Agency accepts the objection of the Joint Committee on Administrative Rules and hereby withdraws the emergency rulemaking.

## OFFICE OF BANKS AND REAL ESTATE

NOTICE OF WITHDRAWAL OF EMERGENCY AMENDMENTS  
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON  
ADMINISTRATIVE RULES

- 1) Heading of the Part: Illinois Savings and Loan Act of 1985
- 2) Code Citation: 38 Ill. Adm. Code 1000
- 3) Section Numbers:

1000.3650	Action:
1000.3700	Withdraw
1000.3750	Withdraw
- 4) Date Notice of Emergency Rule Published in Register: December 29, 2000;  
24 Ill. Reg. 19312
- 5) Date JCAR State of Objection Published in the Register: January 26, 2001;  
25 Ill. Reg. 1856
- 6) Summary of Action taken by Agency: Based on the fact that the industry subject to this rulemaking has agreed to work with the Agency on the design of a form that would provide the data being requested by April 1, 2001, the Agency accepts the objection of the Joint Committee on Administrative Rules and hereby withdraws the emergency rulemaking.

## OFFICE OF BANKS AND REAL ESTATE

NOTICE OF WITHDRAWAL OF EMERGENCY AMENDMENTS  
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON  
ADMINISTRATIVE RULES

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3) Section Numbers:

1050.1910	Action:
1050.1920	Withdraw
1050.1930	Withdraw
- 4) Date Notice of Emergency Rule Published in Register: December 29, 2000;  
24 Ill. Reg. 19322
- 5) Date JCAR State of Objection Published in the Register: January 26, 2001;  
25 Ill. Reg. 1857
- 6) Summary of Action taken by Agency: Based on the fact that the industry subject to this rulemaking has agreed to work with the Agency on the design of a form that would provide the data being requested by April 1, 2001, the Agency accepts the objection of the Joint Committee on Administrative Rules and hereby withdraws the emergency rulemaking.



## OFFICE OF BANKS AND REAL ESTATE

NOTICE OF WITHDRAWAL OF EMERGENCY AMENDMENTS  
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON  
ADMINISTRATIVE RULES

- 1) Heading of the Part: Savings Bank Act
- 2) Code Citation: 38 Ill. Adm. Code 1075
- 3) Section Numbers:     Action:  
1075.3650           Withdraw  
1075.3700           Withdraw  
1075.3750           Withdraw
- 4) Date Notice of Emergency Rule Published in Register: December 29, 2000;  
24 Ill. Reg. 19331
- 5) Date JCAR State of Objection Published in the Register: January 26, 2001;  
25 Ill. Reg. 1858
- 6) Summary of Action taken by Agency: Based on the fact that the industry subject to this rulemaking has agreed to work with the Agency on the design of a form that would provide the data being requested by April 1, 2001, the Agency accepts the objection of the Joint Committee on Administrative Rules and hereby withdraws the emergency rulemaking.

## ILLINOIS STATE TREASURER

NOTICE OF PUBLIC INFORMATION  
TO BE OWNERS OF UNCLAIMED PROPERTY WHOSE  
LAST KNOWN ADDRESSES ARE IN CERTAIN STATES

## NOTICE OF NAMES OF PERSONS APPEARING

TO BE OWNERS OF UNCLAIMED PROPERTY WHOSE  
LAST KNOWN ADDRESSES ARE IN CERTAIN STATES

Pursuant to Public Act 91-0016, the Illinois State Treasurer's Office is publishing the names and last known addresses of unclaimed property owners whose last known addresses are allegedly in a state other than Illinois. The other state does not have a reciprocity arrangement with Illinois.

If your name or that of a person you represent appears below, you may contact this Agency for further information about the assets.

**INQUIRIES MUST BE IN WRITING.** The written inquiry should include the name and address as listed, and the correct name and address for reply. If inquiring about a name other than your own, you must indicate your authority to act on behalf of that person.

Address written inquiries to:

UNCLAIMED PROPERTY DIVISION  
ILLINOIS STATE TREASURER'S OFFICE  
P.O. Box 19495  
Springfield, Illinois 62794-9495

**AUTHORITY:** Implementing and required by the Illinois Uniform Disposition of Unclaimed Property Act, (765 ILCS 1025/12).

ILLINOIS STATE TREASURER  
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## ILLINOIS STATE TREASURER

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BARRAILLER	JACQUES	11 RUE DES GUIPIERE CHATOU FRANCE 78	FA 00000
BARRIOS	SARA	E CHILE 177 SERRANO CONCEPE FA 00000	FA 00000
BAXTER	JOAN	APT 209 702 SANTA ROSA KILLEEN	TX 76541
BAYLOR UNIVERSITY		WACO	TX 76706
BEADLE	HELEN	2166 N FOREST TRL DUNWOODY	GA 30338
BEDINGER	PAUL	3318 GREENVIEW DR GARLAND	TX 75044
BEDINGER	ROSALYN	3318 GREENVIEW DR GARLAND	TX 75044
BELINGA	SAMUEL	YAOUNDE MESSA CAMEROON CENTRAL AFR W	FA 00000
BELL	BRIAN	UNIT 4051 5600 LAKE RESORT TERRACE CHATTANOOGA	TN 37415

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

BELTSIOS	KONSTANTINOS	ATHENS GREECE	FA 00000
BENJAMIN	RONALD	R 102 STATE ST PO BOX 607 BINGHAMTON	NY 13902
BEREZIAK	STEFANIE	217 BRIDGE ST STAMFORD	CT 06905
BERG	RICHARD	A APT 10 201 9123 E MISSISSIPPI DENVER	CO 80231
BIELEMA	MANDY	N 822 TREMONT AVE DAVENPORT	IA 52803
BIRRIETTIERI	MARYJO	394B KINGS HIGHWAY VALLEY COTTAGE	NY 10989
BISCO	EDGARDO	B USS HARPERS FERRY LSD 49 FPO 96665	FA 00000
BJARNASON	HANNES	BREIDVANGUR 21 220 HAFNARFJORDUR IC	FA 00000
BLACKWELL	CATHERINE	525 WATERMILL RD MOSCOW	TN 38057
BLANKEN	ROGER	PO BOX 8266 DES MOINES	IA 50301
BLITSCH	WILLIAM	E APDO 283 SAN MIGUEL DE ALLENDE COAH MEXICO	FA 00000
BOLTON	KEVIN	WEST END RD MORECOMBE LA4 4EG UK UK	FA 00000
BORG WARNER INSURANCE FINANCE CO		PO BOX 5079 SOUTHFIELD	MI 48086
BORJESSON	FREDERICK	L SWEDEN 890 23 SJALEVAD	FA 00000
BOSTON UNIVERSITY			00000
BOUCHARD	LOUIS	TERRERBONNE QUEBEC J6X 1X8 CANADA CANADA	FA 00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

BOYCE	MARION	CHISWICK 60 WILTON AVE	FA 00000
BOYCE	STEVEN	CHISWICK 60 WILTON AVE	FA 00000
BRADFORD	JAMES	W VFA 195 1ST LT FPO 966016236	FA 00000
BRANDT	LISA	121 1ST AVE NW WINCHESTER	TN 37398
BRECHBUHL	ANDREAS	1867 SAGU STREET MAKATI CITY PHILIPP	FA 00000
BROHR	EMMA	APT 5 CASA LEE ONE MILL POINT ROAD BERMUDA	FA 00000
BROWERS	MARVIN	1080 FALLING SPRINGS ROAD DECATUR	AZ 00000
BROWN	BRENDA	A 1705 COLLEGE AVE DAVENPORT	IA 52803
BROWN	JANET	L PO BOX 3474 AL KHOBAR 3192	FA 00000
BROWN	KENNETH	PSC 1 BOX 1217 CAFB	SC 29404
BRUGEL	JUERGEN	1421 ROPER MOUNTAIN ROAD PT 342 GREENVILLE	SC 00000
BRYCE	MARLANA	1875 FISK RD WHITE LAKE	MI 48386
BURKETT	CHARLOTTE	RTE 2 BOX 81 UNICOI	TN 37692
BURTON FOOD			NJ 00000
CABRERA	MATILDA	25 14 125TH ST COLLEGE POINT	NY 11356
CALIBER BANK PHOENIX AR			AZ 00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

CANNAVERO	IRMA	27 EZRA STREET NORTH HAVEN	CT 06473
CARLINVILLE GREENHOUSE		1703 AUGUSTA DRIVE MARIETTA	GA 30067
CARLSON	WILLIAM	1616 KEY PLACE TRAVERSE	MI 49684
CARRATHUS	HARVEY	G USS CORONADO AGF 11	FA 00000
CARRIE	RENEE	1131 OAK PARK AVE DES MOINES	IA 50313
CARROLL	PATRICIA	25 HUCKLEBERRY LN DARIEN 06820 US	FA 00000
CARTER	KATHIE	411 E COUNTRY CABLES DR PHOENIX	AZ 85022
CASPER	LENORE	6705 S TROPICAL TRAIL MERRITT ISLAND	FL 32952
CASPER	MELVIN	H 6705 S TROPICAL TRAIL MERRITT ISLAND	FL 32952
CEDERBURG	KARRI	AOL78 DECK DEPT USS MONOGAHELA FPO 095783019	FA 00000
CELBANESE	PAUL	PALASADES	NJ 00000
CELIS	ROSALIA	MIRAFLORES 353 CASMILLA SANTIAGO CHILE CH	FA 00000
CHA	AE LE	91 CREEKSIDE DR 14 BUFFALO	NY 14227
CHAMBERS	BOBBIE	RT 2 BOX 140 A SHAW	MS 38773
CHAMPAGNE	HERVE	TERRERBONNE QUEBEC J6X 1X8 CANADA CANADA	FA 00000
CHAN	CHEE	W 15 JALAN MANISAN TAMAN BUKIT INDAH	FA 00000





## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

COMMONWEALTH MORTGAGE COMPANY	PO BOX 4329 HOUSTON	TX	77210
COMPUTER ASSOCIATE INTERNATIONAL	PO BOX 360355 PITTSBURGH	PA	15251
CONRAD	JOEL L USS YOSEWITE	FA	00000
CONRAD	LISA APT 20 2420 N 24TH ST PHOENIX	AZ	85008
COOK	C 11913 KNIPPWOOD LN HOUSTON	TX	77024
COOPER	DEBORAH J 5 HQ HHC CORPS RE WAT61A GERMANY	FA	00000
COOPER	KEVIN W 5 HQ HHC CORPS RE WAT61A GERMANY	FA	00000
COOPERSMITH	BARRY APT 4K 32 45 69TH WOODSIDE	NY	11367
COOPERSMITH	HENRY APT 4K 32 45 69TH WOODSIDE	NY	11367
CORK LTD GREAT I	47 MCCURTAIN ST CORK TEL IRELAND IRELAND	FA	00000
CORNERSTONE	6423 WARREN DR NORCROSS	GA	30093
CORRIGAN	GERALD P FPO USS CUSHING DD 985	FA	00000
CORTEZ	JUAN PO BOX 127 CEDAR RAPIDS	IA	52406
COSTELLOE	A C PO BOX 2315 GILBERT	AZ	85299
COURTNEY	ALBERT 3468 PLEASANT BROOK VILLAGE ATLANTA	GA	30345
CRAIG	DAVID C PO BOX 230723 MONTGOMERY	AL	36123

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

CRAIG	MARGUERITE	2255 WELLS RD DUNDEE	MI	48131
CRAIG	MICHAEL	E 2255 WELLS RD DUNDEE	MI	48131
CRAWFORD	ELIZABETH	4411 KALI OKA SPRINGS DR SARALAND	AL	36571
CRAWFORD & COMPANY		PO BOX 50447 ATLANTA	GA	30302
CREAMER	JESSICA	L REPULSE BAY APARTMENTS C 37 HONG KONG	FA	00000
CREIGHTON UNIV LAW L			NE	00000
CREW	SHIRA M	PO BOX 385 BRINKLEY	AR	72021
CROCKER	JAMES	BN 1386 D 122 SPT 09165	FA	00000
CUBA	PRISCILLA	E 19030 HILLCREST LIVONIA	MI	48152
CUNNINGHAM	TERRENCE	8 PINE TREE WESTPORT	CT	00000
CURTIS	CHRISTOPHER	FPO 9565 USS BIDDLE CG 34	FA	00000
CZUP	SANDRA	SCOTTSDALE	AZ	85251
CZUP	SANDRA	SCOTTSDALE	AZ	85251
DAGHIGHI	MAHMOUD	ELIZABETH II BLVD NO 1 45 TEHRAN IRAN IR	FA	00000
DALAL	NITA	R 19 10 AMEY COURT MARIETTA	GA	30060
DALAL	RAJENDRA	M 19 10 AMEY COURT MARIETTA	GA	30060

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

DALBERG	BJORN	E UNIVERSITY OF SOUTH CAROLINA COLUMBIA	SC 29208	
DALLAS CITY OF				00000
DALLAS COUNTY CLERK				00000
DALZIEL	MARGARET	STE B304 1410 GRANT ST DENVER	CO 80203	
DAMALAS	THOMAS	G VETERANS ADMINISTRATION HOSPITAL TOPEKA	KS 66622	
DAVIDSON	ELLEN	FPO DCMO SINGAPORE SINGAPORE 962015000	FA 00000	
DAVIDSON	JOHN	FPO DCMO SINGAPORE SINGAPORE 962015000	FA 00000	
DAVIS	CAROLYN	N APT 302 1016 SAINT JULIEN DR KENNER	LA 70065	
DEACHAVUT	POHJANAN	BNK THAILAND	FA 00000	
DEANGELIS	FRANCIS	J USS GRG WASH BOX 31 FPO 096443036	FA 00000	
DECOCUCCI	A	CARACAS AV SUR 5 QTA MRLF UR FA 00000		
DECOCUCCI	MARID	CARACAS AV SUR 5 QTA MRLF UR FA 00000		
DELANCEY	LAURIANN	PO BOX 519 BRIGHTON	TN 38011	
DELGADO	PEDRO	CALLE 43 A 3F CAGUAS PUERTO RICO	FA 00000	
DELTA FUNDING CORP		PO BOX 9035 SYOSSET	NY 11791	
DEPERDOMA	MARIA	L GUATEMALA GUATEMALA CITY	FA 00000	

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

DEPT OF VETERANS AFFAIRS FIN CENTER	PO BOX 149970 AUSTIN			TX 78714
DESHAZER	CHARLES			GA 00000
DIAZ	JOSSUE	RED7 BOX 7194 SAN JUAN		PR 00926
DIAZ	LUIS	O 5626 NEWPORT HOUSTON		TX 77023
DICKESON	DARYL	L 15 W PROSPECT AVE MORRESTOWN		NJ 08057
DICKESON	LINDA	S 15 W PROSPECT AVE MORRESTOWN		NJ 08057
DITTERLINE	MILO	6442 WEST ROMA PHOENIX		AZ 85033
DOLAN	LORI	B 61 431 KAM HWY HALEIWA		HI 96712
DOLAN	MICHAEL	J 61 431 KAM HWY HALEIWA		HI 96712
DOUGHERTY	JOSEPH	C PO BOX 3474 AL KHOBAR 3192		FA 00000
DOUGLASS	BILLY	F 3000 CANYON BROOK DR RICHARDSON		TX 75080
DOWERS	LARRY	243 LAKELAND ST GROSSE POINTE		MI 48230
DOWERS	SUZANNE	243 LAKELAND ST GROSSE POINTE		MI 48230
DOYLE	STEPHEN	S PO BOX 141 LINCROFT		NJ 07738
DRAZENOVIC	BRANISLAVA	435 SPRING VALLEY RD MAYWOOD		NJ 07607
DZIADOWIEC	ANDREZE	J 4669 MALVERN ROAD HOT SPRINGS		AR 71901

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

EDMOND ALTER UTAH STATE TREASURER		UT	00000
EPSTATHIOU	CONSTANTINOS E	ATHENS GREECE	FA 00000
EGBERTSON	CHARLES	6 FRANKO LANE EAST SETAUKET	NY 11733
EJANKOWSKI	CAITLYN	L WINDSOR 211 SAINT ANDREWS CANADA	FA 00000
EJANKOWSKI	CYNTHIA	WINDSOR 211 SAINT ANDREWS CANADA	FA 00000
ELGEBALY	RAMEZ	CAIRO 3 RODA ST APT 8 EGYPT EG	FA 00000
ELIOPOULOS	DIMITRIS	GREECE	FA 00000
ENGER	DIANE	K 4045 W AVENDADEL GLENDALE	AZ 85310
ENIGMA FILMS LIMITED		PINEWOOD ROAD IVER BUCKS ENGLAND	FA 00000
ENOINA	PELEGRIN	MIRAFLORES 353 CASMILLA SANTIAGO CHILE CH	FA 00000
ERVIN	MAZIE	512 N 3RD STREET ATCHISON	KS 66002
ESTATE OF MARVIN		303 E FAIR HARBOR LN HOUSTON	TX 77079
EURANTO	ERKKI	TURKU SF20700 KASKENKATU 15 A B5 FINLAND FI	FA 00000
EURO EQUITIES CORP		NIEDERLASSING ESSEN GERLINER PLATZ GERMANY	FA 00000
EVERSON	CURTIS	HHC 4 6TH INF FT POLK	LA 71459
FARSI	NABIHA	PO BOX 3374 SAUDI ARABIA	FA 00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

FASIANG	DONALD	5506 KATHYNS CT WHITE MARSH	MD 21162
FEELEY	SUSAN	1 COLONIAL GRN LOUDONVILLE	NY 12211
FEELEY	WILLIAM	1 COLONIAL GRN LOUDONVILLE	NY 12211
FETKENHOUR	MARGARET	S 1643 S DOWNING ST DENVER	CO 80210
FINANCIAL TIMES		14EAST 60TH STR NEW YORK	NY 10022
FIRST OF AMERICA TRUST CO		PO BOX 4042 KALAMAZOO	MI 49003
FLETCHERCOOKE	RICHARD	LONDON SW20 ODW ENGL UK	FA 00000
FLORIDA DEPT OF BUS			FL 00000
FORD	MARY	509 BARGERD SW ATLANTA	GA 30331
FOSTER	JAMES	L 13639 45TH ST BLOOMINGDALE	MI 49026
FOSTORIA CITY OF			00000
FRANKEL	JOY	E 16 STUART CRESENT CANADA	FA 00000
FRANKEL	MARK	13 RIVIERA RD HUDSON	NH 03051
FRANKLIN	ALFONSO	RT 2 BOX 140 A SHAW	MS 38773
FRAZIER	ROBERT	E FPO USS STURGEON SSN 637	FA 00000
FREDRICKS	JAMI	L 822 TREMONT AVE DAVENPORT	IA 52803



## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

FREEMAN	ANNETTE	PO BOX 128 KENNETT	AR 72401
FREIDA	JERZY	UL BOHATEROW MONTE CASSINO 21M86 POLAND	FA 00000
FUKAYAMA	TAKAKO	4151 CHOME AYAMEIKE NARA CITY	FA 00000
FURRER	REINHARD	D 1000 NASSAUISCHE STR 62 BERLIN 31 GERMANY	FA 00000
GAERTNER	GRACE	49 RAILSIDE RD DON MILLS ONTARIO CAN FA 00000	
GALLEGOS	SERGIO	LOMAS DE TECAMACHALCO MEXICO	FA 00000
GALPIN	DERIK	J TAIPEI TAIWAN 90 CHEN KUO N SEC 2 FA 00000	
GARCIA	JUANA	19030 HILLCREST LIVONIA	MI 48152
GARRISON	GEORGIA	A 10617 CHESTERTON DRIVE DALLAS	TX 75238
GAUPSET	JON	M KILLKARNEY HTS SYDNEY AUSTRALIA 20 FA 00000	
GAVRILOVIC	ZARKO	USTANICKA 208 YUGOSLAVIA FA 00000	
GAWLEY	JAMES	49 WEBB AVE OCEAN GROVE	NJ 07756
GEISTER	RAY	G 1720 BLUEBELL AVE BOULDER	CO 80302
GEORGAPOPOULOU	DANAI	FEDROU 12 ATHENS GREECE GC	FA 00000
GESICK	ERIC	J 48 THURLOE SQUARE FLAT 5 LONDON SW7 2 ENGLAND	FA 00000
GILLOOLY	MARY	R PO BOX 27 SOUTH BOARDMAN	MI 49680

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

GILLOOLY	VERONICA	O PO BOX 27 SOUTH BOARDMAN	MI 49680
GLEICH	MARY	11438 W 59TH PL ARVADO	CO 80004
GLEICH	WILLIAM	H 11438 W 59TH PL ARVADO	CO 80004
GLOUDEMANS	TON	3630 MAASMECHELEN JOSEPH SMEETSALAAN BELGIUM BE	FA 00000
GLYNELL	KIRK	FPO 34078 USS SARATOGA CV60 WEPS G2 FA 00000	
GNIEWOWSKA	ANNA	02 496 WARSZAWA UL KRZYWOSTEGO 3 POLAND	FA 00000
GOEBELS	BARBEL	WAGNER STR 7 CUXHAVEN 219 WEST GERMANY GE	FA 00000
GOETZ	ERIC	33 BRIGHTON DR HUMBOLDT	TN 38343
GOETZ	TONI	L 33 BRIGHTON DR HUMBOLDT	TN 38343
GORA	JOANNA	24 BRONCZYCE KIELCE POLAND	FA 00000
GORHAM	TISHAWN	255 14 FRANCIS LEWIS ROSEDALE	NY 11422
GORMAN	MICHAEL	55 WAYING AVE VANIER ONTARIO CANADA	FA 00000
GOTTLIEB	LONNIE	434 S 42ND ST PHILADELPHIA	PA 19104
GOTTLIEB	SAM	D 434 S 42ND ST PHILADELPHIA	PA 19104
GOTTLIEB	STANLEY	434 S 42ND ST PHILADELPHIA	PA 19104
GR FELPAUSCH		PO BOX 9365 WYOMING	MI 49509

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

GRAHAM	WILLIAM	179 WOODROW ST 12 ATHENS	GA 30605
GREENE	IRVING	T 9600 SHADY PINE DRIVE OCEAN SPRINGS	MS 39565
GREENING	ANITA	V 2109 E 144TH TERRACE OLATHE	KS 66062
GREENWOOD MILL		104 MAXWELL AVENUE GREENWOOD	SC 29648
GREER	SYLVIA	D APT 405 II 5907 ECKERT RD SAN ANTONIO	TX 78240
GRIMSHAW	CECIL	610 N 5TH ST READING	PA 19601
GROOM	HELEN	S 1709 BROOK DR CAMDEN	SC 29020
GROOM	JUDSON	C 1709 BROOK DR CAMDEN	SC 29020
GROVE	KILDARE	KILKARNEY HTS SYDNEY AUSTRALIA 20 FA 00000	
GROVES	JOANNE	14 BALLY STKLVN GRV QUEENSLAND AUSTR FA 00000	
GROVES	PETER	14 BALLY STKLVN GRV QUEENSLAND AUSTR FA 00000	
GRUNAWALT	IDA	E 2050 TIBBITS CT ANN ARBOR	MI 48105
GRYGIEL	CHRISTINE	150 PINE ST 120 SOUTH MANCHESTER	CT 06040
GUARDIAN		201 PARK AVENUE SOUTH NEW YORK	NY 10003
GUITART	MARTA	LIACUNA 17 IGUALADA BARCELONA SP FA 00000	
GULF ECU		PO BOX 848 GROVE	TX 77619

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

GUTIERREZ	DAVID	FPO 96663 USS DURHAM LKA 114 FA 00000	
GUZMAN	GERRY	12 ROLLINGWOOD DR LUCAS	TX 75002
GUZMAN	JOHN	12 ROLLINGWOOD DR LUCAS	TX 75002
HABIJANAC	RONALD	F NORTH YORK ONTARIO CANADA FA 00000	
HABIJANAC	THERESA	NORTH YORK ONTA CANADA FA 00000	
HAGAN	HATTIE	APT 1020 2001 E TROPICANA LAS VEGAS	NV 89119
HALES	J	D 331 INDEST ST NEW IBERIA	LA 70560
HALES	LINDA	M 331 INDEST ST NEW IBERIA	LA 70560
HALLOWELL	FULTON	W 9 TOCKWOLTON CT THOMASVILLE	GA 31792
HAMAD	ISSA	PO BOX 633 RAMALLAH ISRAEL IS	FA 00000
HAMAD	RANA	A AL QUADIS BLK 2 ST 20 HSE 3 FA 00000	
HANDTE	ROGER F	13507 BRINWOOD UNIVERSAL CITY	TX 78148
HANNETT	JAMES	R BOX 21 BOUCANVILLE NSP PAPUA NEW GUINEA	FA 00000
HARAMBOUR	ALBERTO	5TH FL MONEDA 970 SANTIAGO CHILE	FA 00000
HARAUS	RUSSEL	140 CRICKET AVE ARDMORE	PA 19003
HARDY	ALEXANDER	G 534 SWALLOW AVE MYRTLE BEACH	SC 29577

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

HARDY	MELISSA	M 534 SWALLOW AVE MYRTLE BEACH	SC 29577
HARDY	NOAH	PARIS FRANCE 23 RUE LOUISE WEISS FRANCE	FA 00000
HARRIS	DEXTER	R APT L14 9696 HAYNES BLVD NEW ORLEANS	LA 70127
HARRIS BANK NA		1125 UNION DR FORT WORTH	TX 76131
HARZEWSKI	SHIRLEY	A 101 STANLEY STREET BUFFALO	NY 14206
HAUGLAND	ANNE	M ANKERVN 18 NORWAY GRIMSTAD FA 00000	
HAWAII MEDICAL ASSOC			HI 00000
HAWAIIAN FANTASY INC		STE 130 366 NORTH BROADWAY JERICO	NY 11753
HAWKINS	QUINTANA	2733 LORRING DR 304 DISTRICT HEIGHTS	MD 20747
HAWKINS	SANDRA	2733 LORRING DR 304 DISTRICT HEIGHTS	MD 20747
HEESCH	ROLF	ZWIERWEG 41A 97074 WURZBURG GERMANY GE	FA 00000
HEGGER	MARIE	731 LONDONBERRY LN DENTON	TX 76205
HENRYSMITH	ANDREA	M 310 HAMPTON DR ATLANTA	GA 30350
HENSLEY	CHARLES		FA 00000
HERENTON	IDA	M 3732 MASONWOOD LN MEMPHIS	TN 38116
HICKS	BERT	A CMR 464 PO BOX 1171	FA 00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

HILDRETH	LARRY	RT 3 FLOYDADA	TX 79235
HJERPE	VERNICE	6442 WEST ROMA PHOENIX	AZ 85033
HOBART	DIANE	L 5111 E 17TH ST CASPER	WY 82609
HOFFMAN	WILLIAM	J 3461 AMHERST DALLAS	TX 75225
HOH	HOI MON	SELANGOR WEST MALAYSIA	FA 00000
HOHNSON	SHRILEY	APT 1809 555 BRUSH AT DETROIT	MI 48226
HOLDE	V		NJ 00000
HOLIDAY INN		10TH STREET & PACKER AVENUE PHILADELPHIA	PA 19148
HOLSTEIN INC		PO BOX 5079 SOUTHFIELD	MI 48086
HONG	CHANGGIE	3 DONG KANGNAM KU SEOUL KOREA	135 24 FA 00000
HONG	YONG	W KOREA APT 211 1103 SEOUL	FA 00000
HOOKER	MARY	1005 ROBINSON ST WESSON	MS 39191
HORRIGAN	BETTY	B 1350 ROXAS BLVD STE 800 MANILA PHILIPPINES	FA 00000
HOYOSVALLEJO	ALEXANDRA		COLOMBIA FA 00000
HROVATIC	IGOR	POSTAMT 9163 UNTERBERGEN ROSENAL AUSTRIA	FA 00000
HROVATIC	VOJKA	POSTAMT 9163 UNTERBERGEN ROSENAL AUSTRIA	FA 00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

HSU	MICHAEL	19 BROADWAY ROAD WARREN	NJ	07059
HSU	NANA	L 19 BROADWAY ROAD WARREN	NJ	07059
HSULIN	SHU	W SEC 3 8F 1 NO 3C HSING SHENG S RD TAIPEI TAIWAN	FA	00000
HULTGREN	CARLA	M 1106 WAGGONER CT NASHVILLE	TN	37214
HUMPHREY	FLORINE	K PO BOX 106 OLDRODNEY PORT GIBSON	MS	39150
HUNG	JASMINE	L 506 RAMBLEWOOD DR BRYN MAWR	PA	19010
HUNG	NANCY	C 506 RAMBLEWOOD DR BRYN MAWR	PA	19010
HUNLU	MEHMET	PK 110 BASMANE IZMIR TURKEY TU FA	00000	
HUNT	NANCY	5238 WHITLOCK ROAD CASPER	WY	82604
IBA		BOX 792347 SAN ANTONIO	TX	78279
IINUMA	MARIKO	ITABASHI KU 7 6 3 TAKASHIMADAIRA TOKYO 175 JAPAN	FA	00000
IKEA	ERMES	P MOEN CHUUK PO BOX 135	FA	00000
IKEA	HELEN	M MOEN CHUUK PO BOX 135	FA	00000
INABA	HIDEO	42 AZA NUKAZUKA YANAGIDA AKITA JAPAN JA	FA	00000
INABA	MARIKO	42 AZA NUKAZUKA YANAGIDA AKITA JAPAN JA	FA	00000
INDUSTRIAL JOHN DEERE SA DEC		APARTADO POSTAL 1153 CODIGO POSTAL 6 MEXICO	FA	00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

INSURANCE COMPANY OF N A		PO BOX 8247 PHILADELPHIA	PA	19101
INVESTORS RESIDENTIAL MORTGAGE CORP		1510 50TH STREET LUBBOCK	TX	79412
IRELAND	MICHAEL	PO BOX 8893 ASPEN	CO	81612
ISRAEL	IRVING	PO BOX 994 BRONX	NY	10462
ITALIANO	RONALD	179 OSCEOLA AVENUE DEER PARK	NY	11729
JACKAI	LOUIS	E W AFRICA	FA	00000
JACKSON	ASTRID	KINGS HILLS PO BOX 272 ST CROIX	VI	00851
JACKSON	DOLORES	KINGS HILLS PO BOX 272 ST CROIX	VI	00851
JACKSON NATIONAL LIFE INSURANCE		PO BOX 24008 LANSING	MI	48909
JENG	FUSHEN	2ND FL 216 4 HSIN LUNG SEC 1 TAIPEI TAIWAN	FA	00000
JENG	MEIJEN	2ND FL 216 4 HSIN LUNG SEC 1 TAIPEI TAIWAN	FA	00000
JIMENEZ	DELARMEN	APDO POSTAL 6 641 MEXICO	FA	00000
JIMENEZ	DELCONSUELO	APDO POSTAL 6 641 MEXICO	FA	00000
JOHN HANCOCK FINANCIAL SERVICE		PO BOX 33930 A DETROIT	MI	48232
JOHNS HOPKINS UNIV		BALTIMORE	MD	21218
JOHNS HOPKINS UNIVERSITY		BALTIMORE	MD	21218



ILLINOIS STATE TREASURER  
NOTICE OF PUBLIC INFORMATION

JOHNSON	A	SAALGASSE 8 FRANFURT GE	FA 00000	KAMRA	PANKAJ	400 KOSSTRE CT IRVING	TX 75061
JOHNSON	GREGORY	D 21ST AG REPL APO 09212	FA 00000	KAMRA	VIRENDER	400 KOSSTRE CT IRVING	TX 75061
JOHNSON	KARI	SAALGASSE 8 FRANFURT GE	FA 00000	KANDA	HIROAK	37 9 IMAYAKAMI CHO KASHIWA JAPAN	FA 00000
JOHNSON	PAULINE	10802 KINGSPPOINT RD HOUSTON	TX 77075	KARNATZ	KEVIN	APT 393 500 LOUISVILLE ST STARKVILLE 39759	FA 00000
JOHNSON	S	YABA LAGOS NIGERIA 3 ABIODUN ST ONIT LAGOS NIGERIA NI	FA 00000	KAYAMA	HITOSHI	TOSHIMA KU TOKYO JAP JA	FA 00000
JOHNSTON	CLINTON	P GOVERNORS ISLAND USCG ATLANTIC AREA NEW YORK	NY 10004	KELLY	TODD	A 420 N 8TH ST NEODASHA	KS 66757
JONES	ARTHUR	CANADA LIE287 132 GLEN ABBEY COURT FA 00000	FA 00000	KEMPSON	BRIAN	RT 1 BOX 59F SHILOH	GA 31286
JONES	GENISE	V 450 CENTER ST SOUTHPORT	CT 06490	KENION	BERLENE	2FL 347 NORMAN ST BRIDGEPORT	CT 06605
JONES	HANNATTER	Y USS MCKEE AS 41 D3	FA 00000	KERN	COLLEN	PO BOX 305 SHEPHERD	MI 48883
JONES	HUGH	W FLAT 12 LOWNDES SQUARE LONDON ENGLAND	FA 00000	KERR	ANDREW	R 6689 HEATHROW LN STONE MOUNTAIN	GA 30087
JONES	LEROY	3745 RADCLIFF BLVD DECATUR	GA 30034	KERR	ROBERT	6689 HEATHROW LN STONE MOUNTAIN	GA 30087
JONES	NANCY	CANADA LIE287 132 GLEN ABBEY COURT FA 00000	FA 00000	KHAK		STE 450 425 2ND ST SE CEDAR RAPIDS	IA 52401
JONES	REBECCA	3668 ORLEANS WAY HOLT	MI 48842	KHAN	MANSOOR	53 MILLFIELD RD LUTON BEDS ENGLAND U	FA 00000
JUSTINIANO	AIXA	PO BOX 1295 SAN LORENZO	PR 00754	KHAN	RAZIA	53 MILLFIELD RD LUTON BEDS ENGLAND U	FA 00000
JUSTINIANO	WILFREDO	PO BOX 1295 SAN LORENZO	PR 00754	KIM	KYU WHAN	MOKDONG APT SHINJUNG SEOUL SOUTH KOREA	FA 00000
KACZER	ALBERT	CARRERA 4 RM 14 87 BOGOTA	FA 00000	KIM	YOUNG SIK	10 3 241 YULMOKDONG INCHON	FA 00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

KINDERCARE LEARNING CENTE

PO BOX 2151  
MONTGOMERY

AL 36103

KINDT

PATRICIA  
90888 BLUFF DR  
MARCELLUS

MI 49067

KIRKPATRICK

CARRIE  
E 997 E LINDA  
APACHE JUNCTION

AZ 85219

KLEMES

JOHN  
C  
WETHERFIELD

CT 06109

KLOBUCKA

LIDIA  
457 RUSTWOOD DR  
ATHENS

GA 30606

KNICKERBOCKER HOTEL

KOLM

ALBERTO  
04641 SAO PAULO SP B BR

FA 00000

KOLM

BRIGITTE  
04641 SAO PAULO SP B BR

FA 00000

KOMARYNSKY

IRENE  
217 BRIDGE ST  
STAMFORD

CT 06905

KONKLE

PAM  
421 4TH AVE NORTH  
CLINTON

IA 52732

KORBL

WILLIAM  
10 COVE STREET  
GOFFSTOWN

NH 03045

KOSS

ALPHONSE  
7764 62ND ST  
SOUTH HAVEN

MI 49090

KOSS

BERTHA  
7764 62ND ST  
SOUTH HAVEN

MI 49090

KOUIMI

HIROKO  
KASHIMA GUN 8968 201 HAZAKI  
IBARAGI 314 04 JAPAN

FA 00000

KOUIMI

SHINICHI  
KASHIMA GUN 8968 201 HAZAKI  
IBARAGI 314 04 JAPAN

FA 00000

KOWOLSKI

BOB  
913 W HOLMES  
LANSING

MI 48910

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

KRATT  
ALICIA  
A 10700 E DARTMOUTH AVE LL 202  
DENVER  
CO 80014KROENERT  
MICHAEL  
MARKTPLATZ 6 FEUCHT GERMANY 90537  
FA 00000KRUTOL  
BRUNO  
KEOLZIEVZYN KOILE UL DUNIKOWSKIEGO 1  
WOJ OPOLE POLAND PL FA 00000KUALA LUMPUR COMMODITY EXCH  
PO BOX 11260 KUALA LUMPUR 50740 MALA  
FA 00000KUO  
CHUN  
P AN TING TAINAN TAIWAN  
CHINA  
FA 00000KURIHARA  
YOSHIFUMI  
821 5 IWASAKI GIFU SHI GIFU KEN  
JAPAN 502 JP FA 00000KUSABA  
HIFUMI  
SUMA KU KOBE SHI TAKAKURADAI 4 21 1  
HYOGO KEN 654 JAPAN FA 00000LAHOOD & ASSOCIATES  
PO BOX 12170  
OVERLAND PARK  
KS 66212

LAKE GROVE VILLAGE FNM

NY 00000

LAKE GROVE VLG FNMA

NY 00000

LAM  
CYNTHIA  
3459 CHERRINGTON CRESCENT  
CANADA CA FA 00000LAMBOURNE  
LUCINDA  
145 E 48TH ST  
NEW YORK  
NY 10017LANGE  
DAMIEN  
M 1842 SHIRAM  
WICHITA  
KS 67213LAPP  
ELAINE  
1703 AUGUSTA DRIVE  
MARIETTA  
GA 30067LEE  
JANGWOO  
GAEJIN MYUN KORYUNG KU  
KYUNGBUK DO FA 00000LEE  
TSAI  
L TAIWAN PROVINCE OF CHINA  
CHINA  
FA 00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

LEE	YUNG	S 85 173 A HYON DONG MAPO GU SEOUL KOR FA 00000
LENNON	JOSEPH	J USS SW GROVES PFG 29 FA 00000
LI	WEN	C NO 294 SANMIN RD CHANGHUA CITY TAIWA CHANGHUA CITY 50014 FA 00000
LIN	YU	J 22 RADCLIFF DR HUNTINGTON NY 11743
LINEHAN	JAMES	G APT 3E 169 DWIGHT ST NEW HAVEN CT 06511
LIU	YENYUN	FUSHIN N ROAD TAIPEI TAIWAN R O C TW FA 00000
LIU	YIH	FUSHIN N ROAD TAIPEI TAIWAN R O C TW FA 00000
LOMA LINDA UNIVERSITY		CA 00000
LOUGHLAND	GEOFREY	C THI 10 59 BENT ST NEUTRAL BAY NSW 20 AUSTRA FA 00000
LU	ZHANPING	APT 1052 3130 LOMBARDY LN DALLAS TX 75220
LUCERO	CARLOS	91 SOUNDVIEW DR PORT WASHINGTON NY 11050
LUCK	MICHAEL	RESIDENCIAS CALI CANCO MARACAY ARAGUA FA 00000
LUGGAGE	E	V 106 S LONG BEACH RD ROCKVILLE CENTER NY 11570
LUKES	MARY	55 HADDONFIELD ROAD CHERRY HILL NJ 08002
LUKES	THOMAS	55 HADDONFIELD ROAD CHERRY HILL NJ 08002
MA	LI	F APT 303 164 SEC 2 CHEN TEH RD TAIPEI TAIWAN FA 00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

MA	LOUISE	APT 303 164 SEC 2 CHEN TEH RD TAIPEI TAIWAN FA 00000
MA	PATRICK	55 GARDEN RD 32 F FLAT E EUTORIL CT HONG KONG HK FA 00000
MACINTYRE	JENETTE	68 BLAXLAND RD WENTWORTH FALLS AUSTRALIA FA 00000
MADSEN KNEPPERS & ASSOC		STE 400 4949 S SYRACUSE ST DENVER CO 80237
MAJERZ	STEFANIA	UL ZIELEWICZ 1 POLAND FA 00000
MALLECK	IRENE	PO BOX 311 BLACK RIVER FALLS WI 54615
MANDEREAU	CECILE	LES COMBES 83350 RAMATUELLE PARIS FRANCE FR FA 00000
MANNING	CHERYL	R 8200 A VALLEY DALE COVE AUSTIN TX 78758
MARGARETTEN COMPANY		1 RONSON ROAD ISILIN NJ 08830
MARIN	A	WHITE PLAINS 168 GAINSBORG AVE FA 00000
MARIN	D	WHITE PLAINS 168 GAINSBORG AVE FA 00000
MARINE MIDLAND		PO BOX 4592 BUFFALO NY 14240
MARINELLI	C	A WHITE PLAINS 168 GAINSBORG AVE FA 00000
MARK MAY M D P C		STE 211 5200 CENTRE AVENUE PITTSBURGH PA 15232
MARKER	BARB	7 HILL TOP LANE SHERIDAN NY 12306
MARTIN	NELDA	2504 QUIRT LOBOCK TX 79403

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

MARUYAMA YOSHIRHIRO 2 7 12 ICHINO MON SANJO NIICATA JAPAN FA 00000  
 MASSACHUSETTS MUTAL LIFE INS 212 LAKE SIDE DR HORSHAM PA 19044  
 MATAMOROS MIKE 1210 N CAMPBELL EL PASO TX 79902  
 MATTOO SUNIL 55 TANSY CT BEDMINSTER NJ 07921  
 MAURE IRION B 13823 WHEATBRIDGE DR HOUSTON TX 77041  
 MCCARTY FREDERICK R 20 KINGFISHER ST QUEZON CITY PHILIPPINES FA 00000  
 MCCARTY LESLEY G 20 KINGFISHER ST QUEZON CITY PHILIPPINES FA 00000  
 MCCORMICK MAURINE 772 SLEEPER ST KALAMAZOO MI 49001  
 MCDERMOTT KELLY G BOX 422 ACO 3RD MI BN AE UNIT 15218 APO 15218 FA 00000  
 MCGEE MICHAEL R KIHEI PO BOX 1825 FA 00000  
 MCGUIRE TIM 2655 VISE RD SHERIDAN MI 48884  
 MCGUIRL VINCENT PO BOX 574 MATAWAN NJ 07747  
 MCKIM SAMUEL J 653 NEFF ROAD GROSS POINTE MI 48231  
 MCINN JULIE P 6584 LOCHOWER CV MEMPHIS TN 38119  
 McMULLEN BARBARA A CMR 402 BOX 4 2ND GENERAL HOSPITAL APO 090025000 FA 00000  
 McMULLEN JOHN CMR 402 BOX 4 2ND GENERAL HOSPITAL APO 090025000 FA 00000

## ILLINOIS STATE TREASURER

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MCNAIR VIRGINIA RR 7 BOX 252 CORINTH MS 38834  
 MCREYNOLDS CINDY PO BOX 5271 96910 AGANA GUAM FA 00000  
 MEHARRY MEDICAL COLLEGE NASHVILLE TN 37208  
 MEIER BRADLEY J APT 2017 1333 W GUADALUPE RD GILBERT AZ 85233  
 MELANCON LETHA N BOX 1121 ST JAMES LA 70086  
 MELLON STANLEY PO BOX 2860 NEW YORK NY 10027  
 MELLON MORTGAGE CO SUITE 2300 1775 SHERMAN ST DENVER CO 80203  
 MENSANA TINA BLK 130 YISHUN ST 11 APT 03 253 FA 00000  
 MERGOUFIS CHRIST POST BOX 100 KIFISIA ATHENS GREEC GC FA 00000  
 MERGOUFIS HELENA POST BOX 100 KIFISIA ATHENS GREEC GC FA 00000  
 MERRILL ROBERT C 45 BOLTON GARDENS TEDDINGTON MIDDLES ENGLAND FA 00000  
 MI BELL MI 00000  
 MICKEYS FAIRMOUNT INN PO BOX 5079 SOUTHFIELD MI 48086  
 MICROSOFT DEVELOPER NETWORK PO BOX 10296 DESMOINES IA 50336  
 MICROSOFT DEVELOPER NETWORK PO BOX 51813 BOULDER CO 80322  
 MILLER JAYNELLE R 440 BLUEMEL 304 SAN ANTONIO TX 78240



## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

MILLER	LEONA	142 PATRICE TERRACE WILLIAMSVILLE	NY 14221
MILLS COLLEGE GIFT		OAKLAND	CA 94613
MINICH	CHAD	E 2716 W CENTRAL PARK AVE DAVENPORT	IA 52804
MINNERLY	ROUHA	20716 CRYSTAK HILL CIR F GERMANTOWN	MD 20874
MINNERLY	W	20716 CRYSTAK HILL CIR F GERMANTOWN	MD 20874
MISSOURI DEPARTMENT OF REVENUE			MO 00000
MONNO	VINCENZO	VIA GIULIO PETRONI BARI 70124 ITALY	FA 00000
MONTEITH	FRANCES	STE 1425 3343 PEACHTREE RD NE ATLANTA	GA 30326
MONTOVI	MELISSA	BELGIUM 1640 RHODE ST GENES FA 00000	FA 00000
MOORE	FRED	HC01 BOX 940B BLACK CANYON	AZ 85324
MORENO	NORMA	I 4 E MUNOZ RIVERA ST RINCON	PR 00677
MORGAN	THERESA	26 GARAVOGUE RD LIMERICK IRELAND	FA 00000
MORGAN	WILLIAM	26 GARAVOGUE RD LIMERICK IRELAND	FA 00000
MORRIS	JOYCE	2019 N OLD MANOR RD WICHITA	KS 67208
MOSLEY	TIMOTHY	D 32 LAKEHURST LITTLE ROCK	AR 72209
MULLANEY AUTO INC		1412 EASTON ROAD WARRINGTON	PA 18976

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

MUNDEN	MAURICE	MARIA DE MOLINA 22 7 IZQ MADRID 6 SPAIN SP	FA 00000
MUNGER	ELIZABETH	A 5921 E VOLTAIRE AVE SCOTTSDALE	AZ 85254
MUNGER	JAMES	R 5921 E VOLTAIRE AVE SCOTTSDALE	AZ 85254
MUNGER	MATTHEW	J 5921 E VOLTAIRE AVE SCOTTSDALE	AZ 85254
MUNOZ	SOLEDAD	SOLEDAD MUNOZ CAGUAS	PR 00754
M'JRAI	SHINNICHI	YOKOHAMA SHI KANGAWA KEN JAPAN	FA 00000
MURDOCK	RHONDA	M APT 1B 1898 SPRING RD SMYRNA	GA 30080
MURPHY	ETHELENE	1101 VICTORY ST SW CLEVELAND	TN 37311
MURRAY	WILLIAM	36TH MED DET BOX 4622 FORT POLK	LA 71459
MUSIAL	CEZARY	MISSISSAUGA ONTARIO L5L2M2 CANADA	FA 00000
NAKAJIMA	HIROSHI	1 17 8 TSUNASHIMAHIGASHI JAPAN	207 FA 00000
NAKAJIMA	MEGUMI	1 17 8 TSUNASHIMAHIGASHI JAPAN	207 FA 00000
NAKASUE	YOSHIKO	7 40 CHITOSE CHO NISHI HYOGO 662	FA 00000
NAKHOTARA	LAL	108 30 48TH AVENUE CORONA	NY 00000
NATIONAL LEAGUE FOR NURSI		350 HUDSON ST NEW YORK	NY 10001
NATIVE FARMS		332 EAST 11TH ST NEW YORK	NY 10003

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

NATURAL NUTRITION NAT HEANUT 2070	72 SCOTT AV BROOKLYN	NY 11237
NAUGHTON	KATHLEEN M 29 FLAG DR MANCHESTER	CT 06040
NAVAREZ	ZULMA BOX 1942 GUAYNABO	PR 00970
NCC INDUSTRIES INC	165 MAIN STREET CORTLAND	NY 13045
NDWE	LIVINGSTONE D SOUTH AFRICA	FA 00000
NELSON	GREGORY R 221 E ARLINGTON ST BANGOR	MI 49013
NELSON	RAYMOND L 221 E ARLINGTON ST BANGOR	MI 49013
NELSON	TIMOTHY J 221 E ARLINGTON ST BANGOR	MI 49013
NELSONROGEL	PATRICIA 221 E ARLINGTON ST BANGOR	MI 49013
NETTERBERG	NILS 260 14 GLUMSLOV SWEDEN SW	FA 00000
NEUMEISTER	BIA I STOCKACH 17 HAUPTSTRASSE GERMANY	FA 00000
NEW MEXICO MEDICAL S		NM 00000
NEW YORK DEPT OF STATE		NY 00000
NEW YORK LIFE INS	STE 600 6301 IVY LANE GREENBELT	MD 20770
NEW YORK MARRIOTT MA		NY 14000
NEW YORK MEDICAL COL		NY 00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

NEW YORK SECRETARY		NY 00000
NEW YORK STATE		NY 00000
NEWMAN CLOAK & SUITE CO	1501 BROADWAY ATTN LANE BRYANT NEW YORK	NY 10036
NEWSOM	BARBARA J 1019 YELLOWHAWK RD TOMS RIVER	NJ 08753
NEWSOME	CAROLYN M 550 COUNTRY CLUB DR JACKSON	MS 39209
NICHELSON	PATRICIA 5 FAIRVIEW ST KEENE	NH 03431
NIMAN	SAMUEL H 6835 ALDERTON ST REGO PARK	NY 11374
NIMAN	SHIRLEY R 6835 ALDERTON ST REGO PARK	NY 11374
NOBORI	SHOICHIRO MITSUBISHI KIZAI BU 3000 TANA SAGAMI KANAGAWA KEN JP	FA 00000
NOMURA SECURITIES	BLDG B 2 WORLD FINANCIAL CENTER NEW YORK	NY 10281
NOVAK	LUCILLE 410 E IRON ST BESSEMER	MI 49911
NOZAWA	SAEKO SAITAMA JAPAN 721 10 TAKAHAGI HDK FA 00000	
NYS TCHRS RETIRE SYS		NY 00000
ODUNEWU	OREOLUWA WEST YORKSHIRE WF1 1 UK	FA 00000
OGDEN	SUSAN APT 912 4500 PEAR RIDGE DALLAS	TX 75287
OKABAYASHI	GARY 16 HUDSON ST 3C NEW YORK	NY 10013

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

OKLAHOMA CITY RED CROSS

00000

OLD DOMINION UNIV BOOKSTOR

NORFOLK VA 23508

OLEARY KAREN

A APT B 1204 HASE DR  
HONOLULU HI 96819

OLEARY STEPHEN

J APT B 1204 HASE DR  
HONOLULU HI 96819

ONEAL

L APO 6 6TH AVN SQD CAV  
FA 00000

OPPENHEIMER &amp; CO INC

WORLD FINANCIAL CENTER  
NEW YORK NY 10281

OQUENDO

C 6 I 22 EST CERRO GORDO  
BAYAMON PR 00957

OQUENDO

A C 6 I 22 EST CERRO GORDO  
BAYAMON PR 00957

ORFANOS

THUNER STREET 10 1000 BERLIN WEST  
WEST GERMANY GE FA 00000

OSHIMA

MEGURO KU 3 10 23 MEGURO  
TOKYO JAPAN JP FA 00000

OUGRINIS

94 MITROPOLEOS ST  
THESSALONIKI GREECE FA 00000

OWENS

L 2010 RUTH STREET  
ATLANTA GA 30318

PA DEPT OF REV

PA 00000

PALERMOS PIZZA AND PASTA

STE 101 3112 N JUPITER ROAD  
GARLAND TX 75044

PARISH

E RT 2 BOX 73  
ROLLING FORK MS 39159

PARLA

A 55 E 52ND STREET  
NEW YORK NY 10055

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

PASETTO

EDUARDO F LAVALLE 156 BUENOS AIRES 01646 ARGEN  
FA 00000

PATTON

CLIFFORD 19720 FLORENCE  
DETROIT MI 48219

PEABODY CITY OF

00000

PEARCY

MICHAEL F 7 NAVAJO CV  
JACKSON TN 38301

PEARCY

PERRY S 7 NAVAJO CV  
JACKSON TN 38301

PENA

HUMBERTO T 627 SUTTON DR  
SAN ANTONIO TX 78228

PEOPLES

DEVETA C 813 APACHE PASS  
ANNISTON AL 36206

PEOPLES

RUTH 813 APACHE PASS  
ANNISTON AL 36206

PEREIRA

MAURICIO A SNT ANA ELSLVDR PASAJE NICARASUA 2  
FA 00000

PEREZ

BLANCA PASEO FLAMBOYANES 415  
TAMPICO MEXICO FA 00000

PEREZ

ROBERT A APT 45 125 WLLIOT AVE  
YONKERS NY 10705

PERKINS

MARY S 259 WASHINGTON AVE  
RUTHERFORD NJ 07070

PERRY

KEVIN F 265 ORMOND ST SE  
ATLANTA GA 30315

PETTINGER

BARBARA PYMBLE NSW 17 CADOW ST  
AUSTRALIA AU FA 00000

PETTINGER

MALCOLM PYMBLE NSW 17 CADOW ST  
AUSTRALIA AU FA 00000

PHELAN

MURRAY W 3882 MAIN ST NIAGRA FALLS  
CANADA FA 00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

PICCININI	NILO	SAN CASSIANO A VICO VIA NVOVA PER MA LUCCA ITALY	FA 00000
PICCININI	ORIANA	SAN CASSIANO A VICO VIA NVOVA PER MA LUCCA ITALY	FA 00000
PILEK	A	WHITE PLAINS 168 GAINSBORG AVE FA 00000	
PIPAL	JOSEPH	M 10 HARRISON ST E BRNSWCK VCTRIA 3057 AUSTRALIA	FA 00000
PIZZARO	ENG	L AV CARVALHO ARAUJO 6000 VILLA REAL	FA 00000
PLAUT	ITALI	ISRAEL 32 HRMN ST TVN 36000 FA 00000	
PLESUMS	GUNTIS	HONG KONG	FA 00000
PLESUMS	MARA	HONG KONG	FA 00000
POE	COURTNEY	3237 MASONWOOD DR NASHVILLE	TN 37207
POE	DIANA	3237 MASONWOOD DR NASHVILLE	TN 37207
PORTER	ALAN	PO BOX 165 EL PASO	TX 79942
PORTER	IRENE	B PSC 277 BOX 42 APO 965490001	FA 00000
PORTER	JEFFREY	PO BOX 165 EL PASO	TX 79942
PORTER	KATHERYN	B PSC 277 BOX 42 APO 965490001	FA 00000
PORTER	ROBERT	A PSC 277 BOX 42 APO 965490001	FA 00000
PRATT	NORMAN	E 8192 BEACON LN NORTHVILLE	MI 48167

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

PRESSLEY	LARNETTA	PSC 2 BOX 7236 APO 09012	FA 00000
PRICE	RAY		FA 00000
PRILL	EVANGELINE	8831 E AVALON ST MESA	AZ 85207
PRIMAK	STEPHANIE	13823 WHEATBRIDGE DR HOUSTON	TX 77041
PRINCIPAL RESIDENTIAL MORTGAGE		711 HIGH STREET DES MOINES	IA 50309
PRO GROUP CELLULAR			FA 00000
PROCONNECT USA INC		11 13 RUE AUGUSTE PERRET	FA 00000
PROVIDENT		1 FOUNTAIN SQUARE CHATTANOOGA	TN 37402
PROVIDENT LIFE INS		PO BOX 12001 CHATTANOOGA	TN 37401
PRUDENTIAL		PO BOX 900 MT ARLINGTON	NJ 07859
PRUDENTIAL SECURITIES INC		2ND FLOOR 100 GOLD ST NEW YORK	NY 10292
PTRSN	EDMND		PA 00000
QUAD CITY ROOF CONTRACT A		PO BOX 5018 DAVENPORT	IA 52808
RABAD	KENT	M 4939 DARROW LANE ARLINGTON	TX 76017
RANDALL	OBIE	J FCI ALLENWOOD UNIT 1A WHITE DEER	PA 17887
RAY	MICHAEL	RT 2 BOX 299 CHURCH HILL	MS 39120



## ILLINOIS STATE TREASURER

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RAY	MIKE	W RT 2 BOX 299 CHURCH HILL	MS 39120
REED	AQUINDO	S & T TRP RSS 2ND ACR FT POLK	LA 71459
REED	JANE	APT 2 738 ANAHEIM ST PITTSBURGH	PA 15219
REHG	MARILYN	186 SANDHILL RD RTE 1 HAMPTON	CT 06247
REID	TRACEY	60 W BROTHER DR GREENWICH	CT 06830
REITMAN	JOELLYN	A 8660 N PORT WASHINGTON RD FOX POINT	WI 53217
RELIANCE STANDARD LIFE		PO BOX 8500 PHILADELPHIA	PA 19178
RENEST PHARR			PA 00000
RHEN	ALAN	9 PENNSYLVANIA AVE SHUYKL HAVEN	PA 17972
RICHARDS	DOLORES	L 971 S READING RD BLOOMFIELD HILLS	MI 48304
RICHARDT	C	O PO BOX 27 SASKATCHEWAN CANADA	S0K 0Y0 FA 00000
RICHARDT	MARY	R PO BOX 27 SASKATCHEWAN CANADA	S0K 0Y0 FA 00000
RIDDLE	CHARLES	4 DONAH CT TIMONIUM	MD 21093
RISCHMILLER	ADRIAN	J PO BOX 221 YOUNGSVILLE	PA 16371
RIVERA	SANDRA	9269 MC CABE EL PASO	TX 79925
RIVERAMORALES	CARMEN	T 18 NE NO 1203 PN SAN JUAN	PR 00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

RIVERS	MARY	M 1006 W 29TH STREET LITTLE ROCK	AR 72206
RIVERS	ROSEMARIE	1006 W 29TH STREET LITTLE ROCK	AR 72206
RMN INVESTMENT CLUB			FA 00000
ROBERT E ORIANIS		SUITE 1100 22 N FRONT ST MEMPHIS	TN 38103
ROBERTS	LOTTIE	M PO BOX 541 RIVERDALE	MD 20737
ROCHELLE	OPHELIA	PO BOX 582 DOVER	NJ 07801
RODGERS	AMY	M 58048 INGLEWOOD LANE GLENWOOD	IA 51534
RODGERS	PAIGE	58048 INGLEWOOD LANE GLENWOOD	IA 51534
RODGERS	TIM	W 58048 INGLEWOOD LANE GLENWOOD	IA 51534
RODRIGUEZ	YELIKA	C BOX 1942 GUAYNABO	PR 00970
ROGERS	LILLETA	PO BOX 127 CEDAR RAPIDS	IA 52406
ROHN	RICHARD	L 6092 BROOKHILL CIRCLE BIRMINGHAM	AL 35242
ROLF	LUISE	APPEL STR 51B 4800 BIELEFELDI	33613 FA 00000
ROLLINS	DAVID	B 447 STEEPLECHASE LN BRIDGEWATER	NJ 08807
ROLLINS	KAREN	M 447 STEEPLECHASE LN BRIDGEWATER	NJ 08807
ROOT SAUDI LTD L		PO BOX 3474 AL KHOBAR 3192	FA 00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

ROSADO	DAVID	24 MYSTIC CR BAYSHORE	NY	11706	
ROSS	TONY	8021 E OSBORN 204C SCOTTSDALE	AZ	85252	
ROTBURG	EZRIEL	9 MAPLE RIDGE ROAD DANBURY	CT	06811	
ROTBURG	MICHAEL	9 MAPLE RIDGE ROAD DANBURY	CT	06811	
RUDDY	JANET	12652 PATH VALLEY RD WILLOW HILL	PA	17271	
RUTHER	GARY	S 6750 PEACHTREE ATLANTA	GA	30360	
SABENA		1155 NORTHERN BLVD MANHASSET	NY	11030	
SAGISCAPILLOOLHOF	LEONARD	M THE NETHERLANDS 6215 ET MAASTRICHT	FA	00000	
SAMBA HEALTH BENEFIT PLAN		11301 OLD GEORGETOWN RD N BETHESDA	MD	20852	
SANADA	HISAYOSHI	JAPAN 1433 5 KAWASHIMATA	FA	00000	
SANGEORGE	GREGORY	1091 CAMBRIDGE ROAD TEANECK	NJ	07666	
SANGEORGE	GREGORY	L 1091 CAMBRIDGE ROAD TEANECK	NJ	07666	
SANGEORGE	RENA	1091 CAMBRIDGE ROAD TEANECK	NJ	07666	
SANNICOLAS	ALLAN	252 KAMUTE LP	FA	00000	
SANTIAGO	WILLIAM	PUERTO RICO	FA	00000	
SAUNDERS	JAMES	K USS SHREVEPORT LPD 12 NEW YORK	NY	09545	

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

SAUVAJEOT	FRANCOIS	PO BOX 571 HOTEL ROYAL BEACH ST MARTIN	FA	00000	
SAVIANO	MARY	8021 E OSBORN 204C SCOTTSDALE	AZ	85252	
SAWADA	AKIHITO	KANAGAWA KEN 2 9 3 DAI KAMAKURASHI JAPAN	FA	00000	
SCHEIBE	RENATE	D 8581 ECKERDORF WILHELM SCHMIDT STR WEST GERMANY GE	FA	00000	
SCHMIDT	MARIA	MORALES 24 COLIMA COL MEXICO MX	FA	00000	
SCHMITT	CATHERINE	450 SCANTON AVE LYNBROOK	NY	11563	
SCHMITZ	GREGORY	P RTE 2 BOX 139E GENOA	WI	53128	
SCHMITZ	KATHLEEN	RTE 2 BOX 139E GENOA	WI	53128	
SCHOFIELD	LEONA	J 6705 S TROPICAL TRAIL MERRITT ISLAND	FL	32952	
SCHREIER	NAOMI	21475 W 13 MI RD BIRMINGHAM	MI	48025	
SCHROEDER	ELIZABETH	117 W 42ND AVE VANCOUVER BRITISH CO	FA	00000	
SCHUTZENHOFER	KARI	320 E LAUREL ST BETHLEHEM	PA	18018	
SCOTT	ALAN	28 ABBOTS RD STELLINGSLIVE SCTLN FA	00000		
SCOTT	HELEN	28 ABBOTS RD STELLINGSLIVE SCTLN FA	00000		
SCOTT COMMUNITY COLLEGE L		BETTENDORF	IA	52722	
SCOUTAS	JIMMY	DISTOMO TT 32005 VIOTIAS GREECE GC	FA	00000	

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

SEABOLT	MARK	7927 ST IVES RD 601 N CHARLESTON	SC 29418
SECRETARY OF STATE OF FLORIDA			FL 00000
SEMAC DIV BRUNNER		PO BOX 668 BRANTFORD ONTARIO CANADA	FA 00000
SEPULVEDAMERRILL	CARMEN	45 BOLTON GARDENS TEDDINGTON MIDDLES ENGLAND	FA 00000
SGMP		219 EAST MAIN ST FRANKENBERGER PLACE MECHANICSBURG	PA 17055
SHANE	TIMOTHY	1020 JONES RD ROSWELL	GA 30075
SHERRILL	MICHAEL	C 201 DALEWOOD CLARKSVILLE	TN 37042
SHPIRO	MAX	CANADA 135 ANTIBES DR APT 2106	FA 00000
SHPIRO	SALLY	CANADA 135 ANTIBES DR APT 2106	FA 00000
SICKS AND CARMEN		87 WYCKOFF ST BROOKLYN	NY 11201
SISKIND	JULIE	APT 9B 315 WEST 70TH STREET NEW YORK	NY 10023
SITE		21 WEST 38TH ST 10TH FLOOR NEW YORK	NY 10018
SJOLIN	CECILIA	S 413 02 GOTEBOG OSTRAS SKANGATAN 3 SWEDEN SW	FA 00000
SJOLIN	TORBJORN	S 413 02 GOTEBOG OSTRAS SKANGATAN 3 SWEDEN SW	FA 00000
SKIPPER	KEVIN	G ON NOP IWO PR 6 MERLIN	FA 00000
SKRYPEK	ROBERT	A 4250 CREEKWOOD DR CUMMING	GA 30041

## ILLINOIS STATE TREASURER

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SKUP	BELLA	143 TULIP ST KESWICK ONTARIO CANA CA FA 00000	
SKUP	PAUL	143 TULIP ST KESWICK ONTARIO CANA CA FA 00000	
SLACS	ERNEST		NJ 00000
SLAGLE	GEORGE	P 1830 BRISTOL DRIVE IOWA CITY	IA 52245
SMITH	CHARLENE	J 691 N SQUIRRELL RD 209 AUBURN HILLS	MI 48326
SMITH	DAVID	3897 WIEUCA RD NE ATLANTA	GA 30342
SMITH	DONALD	G APO HHC 22ND SIG BGE CMR FA 00000	
SMITH	DUNCAN	51 MORTIMER GARDENS TADLEY UNITED KINGDOM	FA 00000
SMITH	JOHN	488 W DEER PARK RD GAITHERSBURG	MD 20877
SMITH	KAREN	E 51 MORTIMER GARDENS TADLEY UNITED KINGDOM	FA 00000
SMITH	KENNETH	A PO BOX 293 ONTARIO CANADA	FA 00000
SMITH	LINDA	488 W DEER PARK RD GAITHERSBURG	MD 20877
SMITH	PAUL	M 691 N SQUIRRELL RD 209 AUBURN HILLS	MI 48326
SMITH	WILLIAM	J 7301 SANGER WACO	TX 76712
SMITHSON	MICHAEL	J YORKSHIRE 13 STATION AVE FILEY NORTH ENGLAND	FA 00000
SNODGRASS	DAVID	A SSBN 641C USS SIMON BOLIVAR PFO 340902060	FA 00000

## ILLINOIS STATE TREASURER

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SONG	PING	F 8 QIUZHI XIANG WEN ER HANGZHOU	FA 00000
SORENSEN	CARL	RT 1 BOX 751 PHOENIX CITY	AL 36867
SORIA	FATIMA	S LAPAZ BOLIVI	FA 00000
SOSA	TEODOSIA	BOX 1647 AGUADILLA	PR 00603
SOUTHERN BELL			00000
SOUTHERN CALIFORNIA			CA 00000
SPANOVDAKIS	VASSILIKI	13 KECHAGIA STR PHILOTHEI ATHENS GREECE GC	FA 00000
SPEARS	RONNIE	D 14 BERNEY WAY LITTLE ROCK	AR 72223
SPOON	PAUL	M FPO USS BIDDLE CG 34 NEW YORK	NY 09565
ST LOUIS CO ARBITRATOR		ST LOUIS	MO 00000
STAKHOVITCH	ALEXANDRE	LONDON WC2A3ED ENGLA UK	FA 00000
STANDARD CHARTERED		TWO RAVINIA ATLANTA	GA 30346
STANERSON	EUGENE	RT 2 BELLE PLAINE	IA 52208
STATE BANK OF VAN BUREN			00000
STATE OF CALIFORNIA			CA 00000
STATE OF MARYLAND			MD 00000

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

		STATE OF NEW YORK			NY 00000
	STAUBER	EDARD	M 143 ROCKSPRAY RIDGE PEACHTREE CITY		GA 30269
	STAUBER	SELMA	A 143 ROCKSPRAY RIDGE PEACHTREE CITY		GA 30269
	STERGIOU	CLEONIKI	74 EGNATIA ST THESSALONIKI GREECE GC		FA 00000
	STEVENS	QUITMAN	PO BOX 115 INGLESIDE		TX 78362
	STEWART	ELVIRA	8516 LANDING WAY CT FT WORTH		TX 76179
	STEWART	TOM	8516 LANDING WAY CT FT WORTH		TX 76179
	STILLMAN	ARTHUR	30 DUNWOODIE PL GREENWICH		CT 06830
	STILLMAN	ROBERT	30 DUNWOODIE PL GREENWICH		CT 06830
	STJOHN	CAROL	B 1830 BRISTOL DRIVE IOWA CITY		IA 52245
	STOKER	SHAUN	A PSC 76 PO BOX 1002 APO 091421002		FA 00000
	STOLL	MARIE	411 E COUNTRY GABLES DR PHOENIX		AZ 85022
	STORCH	HARRY	1391 A ST DELTA		CO 81416
	STORCH	ROBERT	L 1391 A ST DELTA		CO 81416
	STOVE	HARRY	6040 BURBIRD CT OSTEGO		MI 49078
	STPIERRE	JUSTIN	BRASCH & ST PIERRE PO BOX 1033 FT ASHBY		WV 26719



## ILLINOIS STATE TREASURER

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STRITZKE	BETTINA	NAUSN GERMANY 4970 BAD OEYAN	FA 00000
STRITZKE	PETER	NAUSN GERMANY 4970 BAD OEYAN	FA 00000
STROUD	CHARLENE	G 12402 DRESDEN DETROIT	MI 48205
STROUD	MARY	Y HQ LAND SOUTH CMR 428 BOX 1346 APO AE 09142 1346	FA 00000
STROUD	ROBERT	L HQ LAND SOUTH CMR 428 BOX 1346 APO AE 09142 1346	FA 00000
SUPERIOR COURT INDIANA			IN 00000
SWANLJUNG	JOHAN	00120 HELSINKI FINLA FI	FA 00000
SWINEFORD	FRANCES	88 ROLLINGMEAD ST PRINCETON	NJ 08540
SZCZEPANIAK	HELENA	4669 MALVERN ROAD HOT SPRINGS	AR 71901
SZEWICZUK	BARBARA	53 344 WROCLAW UL KOMANDORSKA 171 4 POLAND	FA 00000
SZEWICZUK	TADEUSZ	53 344 WROCLAW UL KOMANDORSKA 171 4 POLAND	FA 00000
SZILVIKO	CHARLES	219 HIGH STREET EASTON	PA 18042
TABUCHI	TAKESHI	A2 1409 1 22 YAMADANISH SUITA CITY OSAKA JAPAN 565 JA	FA 00000
TAFT	JONATHAN	7 TIDY RD ELIOT	ME 03903
TAGLE	JOHN	1742 W MISTLE TOE 1 SAN ANTONIO	TX 78208
TAKAMA	TOSHIHIKO	1 1 207 MINAMI 6 JO NISHI 16 SAPPORO JAPAN	FA 00000

## ILLINOIS STATE TREASURER

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TAKEDA	NOBUKAZU	IBARAKI 319 11 JAPAN JP	FA 00000
TAX ASSESSOR COLLECTOR HARRIS COUNT			00000
TAYLOR	JASON	5408 KAY DRIVE JACKSON	MI 49203
TAYLOR	LEIGH	APT 602 15 S CLARKSON ST DENVER	CO 80209
TAYLOR	LINDA	RR 7 BOX 165A CORINTH	MS 38834
TAYLOR	M	155 CLARKE ST NORTHCOTE 3070	FA 00000
TELEDYNE CONTINENTAL		PO BOX 810 MUSKEGAN	MI 49443
TERRENI	EDUARDO	PADILLA 1120 PISO 8 DEFTO A ARGENTINA AR	FA 00000
TERRY	CHARRA	8121 HUBBELL ST DETROIT	MI 48228
THERY	GEORGETTE	2 BEEKMAN PL NEW YORK	NY 10022
THOMAS JEFFERSON UNIV		PHILADELPHIA	PA 19107
THOMPSON	SARA	141 HAWK DR PO BOX 136 WOODBURY	GA 30293
THOMSEN	BEATRICE	AV INDEPENDENCIA 2060 APT 10A ARGENTINA AR	FA 00000
THOMSEN	ILDEFONSO	AV INDEPENDENCIA 2060 APT 10A ARGENTINA AR	FA 00000
THOMSEN	MICHAEL	AV INDEPENDENCIA 2060 APT 10A ARGENTINA AR	FA 00000
TOLEDO	BINDY	J PSC 473 473 FPO 963492910	FA 00000

## ILLINOIS STATE TREASURER

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TOMBERGER	MANFRED	GERMANY	FA 00000
TOVAR	CARLOS	APT 138 6801 TENNYSON DRIVE WACO TX 76710	
TOVAR	CONCEPCION	APT 138 6801 TENNYSON DRIVE WACO TX 76710	
TR PAUL GROUP SERVICES		14 COMMERCE RD NEUTOWN CT 06470	
TRAVELERS		PO BOX 9806 NEW HAVEN CT 06536	
TRAVELERS		VOORHEES TOWNSHIP PO BOX 850 NEW JERSEY NJ 08043	
TRIER	ELSA	FUCHSTANZ STR 30 D 61440 OBERURSEL W GERMANY GE FA 00000	
TRIER	WOLFGANG	FUCHSTANZ STR 30 D 61440 OBERURSEL W GERMANY GE FA 00000	
TRINITY MORTGAGE COMPANY OF DALLAS		SUITE 755 8131 LBJ FREEWAY DALLAS TX 75251	
TSAKALOU	ELEFTHERIA	ALKAIOU 45 ILLUSIA ATHENS GREECE FA 00000	
TSINGI	KRISTIANA	V GREECE FA 00000	
TUPTA	TERESA	MISSISSAUGA ONTARIO L5L2M2 CANADA FA 00000	
TUSCHIYAMA	BOKUMIN	5 15 GAKUEN ASAHIMACI NARA 631 JAPAN JP FA 00000	
TYER	CYNTHIA	6804 SAVANNAH LN FORT WORTH TX 76132	
TYER	ELISHA	6804 SAVANNAH LN FORT WORTH TX 76132	
UEMURA	NOBUYUKI	1 1 1 TENNOUDAI TSUKUBA SHI IIBARAKI 305 JA FA 00000	

## ILLINOIS STATE TREASURER

## NOTICE OF PUBLIC INFORMATION

UEMURA	TSUGUMICHI	6 3 BUNKYO CHO MEIJURU PATIO 205 HIROSAKI CITY JAPAN FA 00000	
UNIVERSITY OF CALIFO			
ULMER	LOUISE	1101 VICTORY ST SW CLEVELAND TN 37311	
ULMER	LOUISE	D 1101 VICTORY ST SW CLEVELAND TN 37311	
UNION LIFE INS		PO BOX 3101 LITTLE ROCK AR 72203	
UNITED STATES TREASURY		PO BOX 149970 AUSTIN TX 78714	
UNITRADE CORP		SUITE 1100 22 N FRONT ST MEMPHIS TN 38103	
UNIV OF NEVADA			NV 00000
UNIV OF WASHINGTON			WA 00000
UNIVERSITY OF CALIFO			CA 00000
UNIVERSITY OF FLORID			FL 00000
UNIVERSITY OF MICHIG			MI 00000
UNIVERSITY OF MINNES			MN 00000
UNIVERSITY OF VIRGIN			VA 00000
UNRUH	JOHN	2 CONIFER DR MENDHAM NJ 07945	
VANDELANOTTE	XAVIER	BELGIUM 1640 RHODE ST GENES FA 00000	

ILLINOIS STATE TREASURER  
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VANDERSCHOOR	CJS	GOERESSESTRAAT 105B ROTTERDAM	FA 00000
VANDYKE	KAREN	12334 MALCOLMSON DR HUSTON	TX 77070
VANESCH	PIERRE	OUDE LEEWEG 60 NOORDWIJK 2202CG NE FA 00000	
VANKAMPEN FUNDS ONE CHAS E		37TH FLOOR ONE CHASE MANHATTAN PLAZA NEW YORK	NY 10005
VARGASHERERRA	HERNANDO	COLOMBIA	FA 00000
VAUGHN	GRACE	RR 1551 DENVER	CO 80220
VENEGAS	JOSE	MORALES 24 COLIMA COL MEXICO MX	FA 00000
VENEGAS	LUIS	MORALES 24 COLIMA COL MEXICO MX	FA 00000
VERLAG & DRUCKERI		WIENERSTRASSE 141 FOHRENAU AUSTRIA A FA 00000	
VIALI	MARYANNE	195 FITCHVILLE ROAD BOZRAH	CT 06334
VIJOHN	LAURA	1909 SE 21 TOPEKA	KS 66607
VONFUMETTI	LISA	3276 EASTWOOD DR SHREVEPORT	LA 71105
WAGNER	LUKE	P KANAGAWA JN 8 4 16 HISAGI ZUSHI CITY KANAGAWA	FA 00000
WALLACE	LAURA	457 HIGH POINT ORCHARD ROAD KINGSTON	TN 37763
WALSTON	BETTY	M 380 EASTERN AVE BRIGHTON	CO 80601
WALSTON	DALE	E 380 EASTERN AVE BRIGHTON	CO 80601

ILLINOIS STATE TREASURER  
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WANG	PAUL	MOU CHIA TAIPEI TAIWAN R O C TW FA 00000	
WANG	SHUANG	E MING CHUAN RD 2F 4 ALLEY 1 LANE 14 TAIPEI TAIWAN TW	FA 00000
WARD	DANA	THREE MURRAY COURT HUNTINGTON	NY 11743
WARSZAWIE	AKADEMIA	INSTYTUT TRANSPLANTOLOGII WARSZAWA UL	FA 00000
WATSON	ELLA	899 POWERS FERRY RD MARIETTA	GA 30067
WATSON	ROBERT	RR 2 DAINELSVILLE	GA 30633
WEAVER	MARGUERETTE	USS ACADIA AD 42 RS DIV	FA 00000
WELDON	RICHARD	43 WEST B STREET NEW YORK	NY 10011
WESEMAN	CHARLES	PO BOX 195 CLARENCE CENTER	NY 14032
WESTMORELAND TUBULAR PRODUCTS		6500 BEAVER DAM ROAD LEVITTOWN	PA 19057
WHEELER	WENDELL	1219 DULANEY VALLEY RD TOWSON	MD 21204
WILLIAMS	HOWARD	E 11649 206TH ST LAKEWOOD	CA 90715
WILLIAMS	JAMES	M 11649 206TH ST LAKEWOOD	CA 90715
WILLIAMS	SUSAN	E 16 LAKESHORE DR PLATTSBURGH	NY 12901
WILLIS	B	M PO BOX 107 GLASTONE	NJ 07934
WILSON	JOHN	PO BOX 305 SHEPHERD	MI 48883

## ILLINOIS STATE TREASURER

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WILSON	MELINDA	PO BOX 305 SHEPHERD	MI 48883	
WISCARVER	MICHAEL	A USS BILLFISH SSN 676 FPO 340902356	FA 00000	
WOLF	WALTER	8660 N PORT WASHINGTON RD FOX POINT	WI 53217	
WOLVERTON	JAMES	316 SOUTHARD BAY	AR 72411	
WOLVERTON	KATHERINE	316 SOUTHARD BAY	AR 72411	
WONG	WAI	70 05 45TH AVE ELMHURST	NY 11373	
WORD	CHRISTOPHER	401 BROAD STREET STARKVILLE	MS 39759	
WORKMAN	LARRY	1125 UNION DR FORT WORTH	TX 76131	
WORKMAN	MARCIA	1125 UNION DR FORT WORTH	TX 76131	
WRIGHT STATE UNIV			OH 00000	
WU	HENG	Y 121 SUNG CHIANG RD B1 TAIWAN	FA 00000	
WYATT DATA SERVICES		218 ROUTE 17 NORTH ROCHELLE PARK	NJ 07662	
YAMADA	YUICHIRO	HIRAKATA SHI 2 11 64 OSAKA 583 JAPAN	FA 00000	
YAMATO TRANSPORT USA INC		19 26 HAZEN STREET FLUSHING	NY 11370	
YAQOOB	BASHIR	PO BOX 2596 BENGHAZI LIBYA LY	FA 00000	
YELLOW PAGES		2727 BROADWAY STREET BUFFALO	NY 14227	

## ILLINOIS STATE TREASURER

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YEPSEN	MARILYN	2112 PINE AVE CHEYENNE	WY 82007	
YOCUM	CONNIE	J 614 LINCOLN PARSONS	KS 67357	
ZANELLI	ANTHONY	APT 101 B 560 KIRTS BLVD TROY	MI 48084	
ZERANSKI	STEFAN	02 496 WARSZAWA UL POLAND	FA 00000	
ZIOLKOWSKI	RICHARD	W 2400 BELL BRANCH RD GAMBRELS	MD 21054	
ZOMBK	THOMAS	8926 97TH ST WOODHAVEN	NY 11421	
ZUO	XIAO	L PO BOX 789 PHILIPPINES	FA 00000	
ZURLA	KRISTIN	8256 W EASTMAN PL LAKEWOOD	CO 80227	
100TH MERIDIAN LTD		39404 LITTLE FALL CREEK ROAD FALL CREEK	OR 97438	



OFFICE OF BANKS AND REAL ESTATE  
JANUARY 2001 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Calendar year 2001
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
Alan Anderson, Legislative Liaison  
Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, Illinois 62701-1532  
(217) 782-3000
- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Unclaimed Property Examinations, (New Part)

1) Rulemaking:

- A) Description: This would be a new part jointly promulgated by the State Treasurer and the Office of Banks and Real Estate. Rulemaking will outline the manner in which the State Treasurer will request the Office of Banks and Real Estate to conduct unclaimed property examinations of its regulated institutions. This new part will also include the method that the Office of Banks and Real Estate will collect expenditures incurred conducting unclaimed property examinations.

B) Statutory Authority: Implementing and authorized by the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025]

C) Schedule meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Calendar year 2001

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Alan Anderson, Legislative Liaison  
Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, Illinois 62701-1532  
(217) 782-3000

OFFICE OF BANKS AND REAL ESTATE  
JANUARY 2001 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Savings Bank Act, 38 Ill. Adm. Code 1075

1) Rulemaking:

- A) Description: OBRE is contemplating amendments to ensure that a mutual savings bank converts to stock form only if it can effectively deploy the capital raised in its stock offering, amends stock subscription preference for long term customers and maximizes community offerings. A further proposal would remove the investment limit in operating subsidiaries to provide parity with federal institutions.

B) Statutory Authority: Implementing and authorized by the Illinois Savings Bank Act of 1990 [205 ILCS 205/9002(2)]

C) Schedule meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Calendar year 2001

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Alan Anderson, Legislative Liaison  
Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, Illinois 62701-1532  
(217) 782-3000

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Corporate Fiduciary Receivership Account, 38 Ill. Adm. Code 397

1) Rulemaking:

- A) Description: This part would be amended to revise the method used to restore the Corporate Fiduciary Receivership Account as required by the Corporate Fiduciary Act.

B) Statutory Authority: Implementing and authorized by the Corporate Fiduciary Act [205 ILCS 620]

C) Schedule meeting/hearing date: None scheduled

## OFFICE OF BANKS AND REAL ESTATE

JANUARY 2001 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Standards for Operation and Conduct of Affairs of Corporate Fiduciaries 38 Ill. Adm. Code 399

1) Rulemaking:

- A) Description: This part would be amended to include new provisions to the Standards for Operation and Conduct of Affairs of Corporate Fiduciaries administrative rule. The new provisions would include, but not be limited to, the organization, operations, responsibilities and authority held by a board of directors and by a trust committee of a corporate fiduciary.

- B) Statutory Authority: Implementing and authorized by the Corporate Fiduciary Act [205 ILCS 620]

- C) Schedule meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Calendar year 2001

- E) Effect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Alan Anderson, Legislative Liaison  
Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, Illinois 62701-1532  
(217) 782-3000

- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA JANUARY 2001

- a) Part(s) Heading and Code Citation: Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300)

1) Rulemaking:

- A) Description: The allegations contained in Appendix B are being amended as a result of recommendations from the Department's Best Practice Initiative.

- B) Statutory Authority: 325 ILCS 5

- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled

- D) Date agency anticipates First Notice: Spring 2001

- E) Affect on small business, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Mr. Jeff E. Osowski  
Department of Children and Family Services  
Office of Child and Family Policy  
406 East Monroe, Station #65  
Springfield, Illinois 62701-1498  
217/524-1983  
Fax: 217/557-0692  
E-mail: cfpolicy@dcfs.state.il.us

- G) Related Rulemaking and other pertinent information: None

- b) Part(s) Heading and Code Citation: Placement and Visitation Services (89 Ill. Adm. Code 301)

1) Rulemaking:

- A) Description: Criteria for assessing homes of non-custodial parents as placement resources for children who are removed from the custodial parent due to abuse or neglect will be added.

- B) Statutory Authority: 20 ILCS 505

- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled

- D) Date agency anticipates First Notice: Spring 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA JANUARY 2001

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jeff E. Osowski  
Department of Children and Family Services  
Office of Child and Family Policy  
406 East Monroe, Station #65  
Springfield, Illinois 62701-1498  
217/524-1983  
Fax: 217/557-0692  
E-mail: cfpolicy@idcfs.state.il.us

G) Related Rulemaking and other pertinent information: None

c) Part(s) Heading and Code Citation: Services Delivered by the Department (89 Ill. Adm. Code 302)

1) Rulemaking:

A) Description: The Department is preparing amendments to the adoption assistance (Section 302.310) and subsidized guardianship programs (Section 302.405). Section 302.310 will add eligibility for certain children with SSI who are not the legal responsibility of the Department, eliminate the requirement of a two year review of adoption assistance cases, specify conditions for the termination of adoption assistance, add provisions for the reduction or suspension of adoption assistance when children are temporarily living in another setting apart from the adoptive parents, and add a section on post-adoption finalization requests for adoption assistance. Section 302.405 duplicates the new amendments in Section 302.310 regarding termination or temporary reduction of assistance.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 2001

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

REGULATORY AGENDA JANUARY 2001

Mr. Jeff E. Osowski  
Department of Children and Family Services  
Office of Child and Family Policy  
406 East Monroe, Station #65  
Springfield, Illinois 62701-1498  
217/524-1983  
Fax: 217/557-0692  
E-mail: cfpolicy@idcfs.state.il.us

G) Related Rulemaking and other pertinent information: None

d) Part(s) Heading and Code Citation: Intact Family Services (89 Ill. Adm. Code 303)

1) Rulemaking:

A) Description: New rules will be proposed to address the provision of Department services for families in which the children have not been removed from the home, with the goal of preventing the removal by ensuring that the child can remain safe and have his/her needs met in the home.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 2001

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jeff E. Osowski  
Department of Children and Family Services  
Office of Child and Family Policy  
406 East Monroe, Station #65  
Springfield, Illinois 62701-1498  
217/524-1983  
Fax: 217/557-0692  
E-mail: cfpolicy@idcfs.state.il.us

G) Related Rulemaking and other pertinent information: None

e) Part(s) Heading and Code Citation: Permanency Planning (89 Ill. Adm. Code

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## REGULATORY AGENDA JANUARY 2001

315)

1) Rulemaking:

A) Description: Amendments are being prepared based on recommendations from the Department's Best Practice Initiative. Revised time frames will be included for certain assessment activities. Language regarding worker interventions and contact will be amended to specify additional face-to-face contacts with the child. Concurrent planning will be required in all cases and the elements of concurrent planning will be explained in more detail. Requirements that must be met when returning a child home will be added.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 2001

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jeff E. Osowski  
Department of Children and Family Services  
Office of Child and Family Policy  
406 East Monroe, Station #65  
Springfield, Illinois 62701-1498  
217/524-1983  
Fax: 217/557-0692  
E-mail: cfpolicy@dcfs.state.il.us

G) Related Rulemaking and other pertinent information: None

f) Part(s) Heading and Code Citation: Diligent Searches (89 Ill. Adm. Code 332)

1) Rulemaking:

A) Description: The Department will be proposing a new Part that describes what types of diligent searches it must conduct and the criteria for what constitutes a diligent search. The creation and utilization of a central Diligent Search Center will also be included.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## REGULATORY AGENDA JANUARY 2001

B) Statutory Authority: 20 ILCS 505, 750 ILCS 50 and 705 ILCS 405

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 2001

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jeff E. Osowski  
Department of Children and Family Services  
Office of Child and Family Policy  
406 East Monroe, Station #65  
Springfield, Illinois 62701-1498  
217/524-1983  
Fax: 217/557-0692  
E-mail: cfpolicy@dcfs.state.il.us

G) Related Rulemaking and other pertinent information: None

g) Part(s) Heading and Code Citation: Appeal of Child Abuse and Neglect Investigation Findings (89 Ill. Adm. Code 336)

1) Rulemaking:

A) Description: The revisions will allow a stay of appeal until a final judicial decision has been made when an appellant is named as a defendant or respondent in a pending Criminal or Juvenile Court action and the action is based on the same facts as the administrative expungement appeal. This delay will not be considered a delay on the part of the Department in issuing and implementing its final administrative decision. When the court makes a final decision that is favorable to the appellant, the appellant is required to notify the Administrative Hearings Unit (AHU) of the finding in writing within 45 days and the AHU will schedule an appeal hearing. The AHU will dismiss those allegations that are based on the common set of facts when the court makes a final decision that is adverse to the appellant.

B) Statutory Authority: 20 ILCS 505 and 325 ILCS 5/7-16

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- D) Date agency anticipates First Notice: Spring 2001
- E) Affect on small business, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
 Mr. Jeff E. Osowski  
 Department of Children and Family Services  
 Office of Child and Family Policy  
 406 East Monroe, Station #65  
 Springfield, Illinois 62701-1498  
 217/524-1983  
 Fax: 217/557-0692  
 E-mail: cfpolicy@idcfs.state.il.us
- G) Related Rulemaking and other pertinent information: None

- h) Part(s) Heading and Code Citation: Service Appeal Process (89 Ill. Adm. Code 337)

1) Rulemaking:

- A) Description: Removes foster parent and relative caregivers appeal to changes in a child's placement. These are matters of social work practice and not legal issues that can properly be addressed within an administrative hearing format. Other minor corrections will be made, such as revising the address of the Administrative Hearings Unit.

- B) Statutory Authority: 20 ILCS 505

- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Spring 2001

- E) Affect on small business, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Mr. Jeff E. Osowski  
 Department of Children and Family Services  
 Office of Child and Family Policy  
 406 East Monroe, Station #65  
 Springfield, Illinois 62701-1498

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 217/24.-983  
 Fax: 217/557-0692  
 E-mail: cfpolicy@idcfs.state.il.us
- G) Related Rulemaking and other pertinent information: None
- i) Part(s) Heading and Code Citation: Licensing Enforcement (89 Ill. Adm. Code 383)
- 1) Rulemaking:
- A) Description: The Department will amend this Part to clarify its role in monitoring and investigating complaints in child care facilities licensed by the Department.
- B) Statutory Authority: 225 ILCS 10
- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Spring 2001
- E) Affect on small business, small municipalities or not for profit corporations: This rule affects child care facilities licensed by the Department.
- F) Agency contact person for information:  
 Mr. Jeff E. Osowski  
 Department of Children and Family Services  
 Office of Child and Family Policy  
 406 East Monroe, Station #65  
 Springfield, Illinois 62701-1498  
 217/524-1983  
 Fax: 217/557-0692  
 E-mail: cfpolicy@idcfs.state.il.us
- G) Related Rulemaking and other pertinent information: None
- j) Part(s) Heading and Code Citation: Discipline and Behavior Management in Child Care Facilities (89 Ill. Adm. Code 384)
- 1) Rulemaking:
- A) Description: This Part will be amended to reflect the current research in behavior management techniques for children.

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- B) Statutory Authority: 225 ILCS 10
- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Spring 2001
- E) Affect on small business, small municipalities or not for profit corporations: This Part affects child care institutions, group homes and secure child care facilities licensed by the Department.
- F) Agency contact person for information:

Mr. Jeff E. Osowski  
Department of Children and Family Services  
Office of Child and Family Policy  
406 East Monroe, Station #65  
Springfield, Illinois 62701-1498  
217/524-1983  
Fax: 217/557-0692  
E-mail: cfpolicy@idcfs.state.il.us

- G) Related Rulemaking and other pertinent information: None

- k) Part(s) Heading and Code Citation: Licensing Standards for Foster Family Homes (89 Ill. Adm. Code 402)

1) Rulemaking:

- A) Description: This Part will be amended to require checks on driving records and licenses of foster parents who transport foster children and clarify several of the standards currently in place.

- B) Statutory Authority: 225 ILCS 10

- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Spring 2001

- E) Affect on small business, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Mr. Jeff E. Osowski  
Department of Children and Family Services  
Office of Child and Family Policy  
406 East Monroe, Station #65  
Springfield, Illinois 62701-1498  
217/524-1983  
Fax: 217/557-0692  
E-mail: cfpolicy@idcfs.state.il.us

- G) Related Rulemaking and other pertinent information: None

- l) Part(s) Heading and Code Citation: Office of the Inspector General (OIG) (89 Ill. Adm. Code 430)

1) Rulemaking:

- A) Description: This new Part will outline the internal review processes to be followed in an investigation conducted by the Department's Office of the Inspector General.

- B) Statutory Authority: 20 ILCS 505/35.5 and 35.6

- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Spring 2001

- E) Affect on small business, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Mr. Jeff E. Osowski  
Department of Children and Family Services  
Office of Child and Family Policy  
406 East Monroe, Station #65  
Springfield, Illinois 62701-1498  
217/524-1983  
Fax: 217/557-0692  
E-mail: cfpolicy@idcfs.state.il.us

- G) Related Rulemaking and other pertinent information: None

- m) Part(s) Heading and Code Citation: Confidentiality of Information of Persons Served by the Department (89 Ill. Adm. Code 431)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

JANUARY 2001 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Local Tourism and Convention Bureau Program (14 Ill. Adm. Code 550)

1) Rulemaking:

A) Description: Following a comprehensive study of the DCCA/Bureau of Tourism Grant Programs that included comparisons with other states' programs, customer satisfaction surveys and public input sessions, the Local Tourism and Convention Bureau Program rules are being updated in order to bring them more in line with current travel and tourism industry trends and needs.

B) Statutory Authority: Implementing Section 605-705 of the Civil Administrative Code of Illinois (20 ILCS 605/605-705) and Section 8.25 of the State Finance Act (30 ILCS 105/8.25) and authorized by Section 605-95 of the Civil Administrative Code of Illinois (20 ILCS 605/605-95).

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: March 1, 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may have some effect on small municipalities where the local convention and visitors bureau funded by the program is a division of the municipality.

F) Agency contact person for information:

Raya Bogard  
Administrative Code Rules Manager  
Illinois Department of Commerce and  
Community Affairs  
100 West Randolph, Suite 3-400  
Chicago, Illinois 60601  
(312) 814-9593

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Illinois Promotion Act Programs (14 Ill. Adm. Code 510)

1) Rulemaking:

A) Description: Following a comprehensive study of the Department/Bureau of Tourism matching grant programs, which included best practices comparisons with other states' programs, customer

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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1) Rulemaking:

A) Description: The Department is reviewing its rules on confidentiality and may be proposing amendments that clarify the types of information governed by confidentiality restrictions and the conditions under which such information may be divulged.

B) Statutory Authority: 20 ILCS 505; 740 ILCS 1101; 325 ILCS 5/11

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled

D) Date agency anticipates First Notice: Spring 2001

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jeff E. Osowski  
Department of Children and Family Services  
Office of Child and Family Policy  
406 East Monroe, Station #65  
Springfield, Illinois 62701-1498  
217/524-1983  
Fax: 217/557-0692  
E-mail: cfpolicy@idcfs.state.il.us

G) Related Rulemaking and other pertinent information: None

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satisfaction surveys and public input sessions, the Illinois Promotion Act program rules governing the Marketing Partnership Program, the Tourism Attraction Development Loan and Grant Program, and the Tourism Private Sector Grant Program are being updated in order to bring them more in line with current travel and tourism industry trends and needs.

B) Statutory Authority: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: March 1, 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may have some effect on small businesses, small municipalities and not-for-profit tourism promotional entities that access these matching grants to support their local tourism efforts.

F) Agency contact person for information:

Raya Bogard  
Administrative Code Rules Manager  
Illinois Department of Commerce and  
Community Affairs  
100 West Randolph, Suite 3-400  
Chicago, Illinois 60601  
(312) 814-9593

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Enterprise Zone Program (14 Ill. Adm. Code 520)

1) Rulemaking:

A) Description: Amendments are being proposed to reflect legislative changes and to clarify the revocation of a business certification and the collection of previously exempted taxes.

B) Statutory Authority: Implementing the Illinois Enterprise Zone Act [20 ILCS 655]; Section 12 of the Use Tax Act [35 ILCS 105/12]; Section 12 of the Service Use Tax Act [35 ILCS 110/12]; Section 12 of the Service Occupation Tax Act [35 ILCS 115/12]; Sections 201(f), (g) and (h) of the Illinois Income Tax Act [35 ILCS 5/201(f), (g) and (h)]; Sections 1d-1f and 1i-1j.2 of the

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Retailers' Occupation Tax Act [35 ILCS 120/1d, 1e, 1d, 1i, 1j, 1j-1, and 1j-2]; and Sections 9-221, 9-222, 9-222.1 of the Public Utilities Act [220 ILCS 5/9-221, 5/9-222 and 5/9-222.1] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: March 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Minimal effect as procedures are already in place.

F) Agency contact person for information:

Raya Bogard  
Administrative Code Rules Manager  
Illinois Department of Commerce and  
Community Affairs  
100 West Randolph, Suite 3-400  
Chicago, Illinois 60601  
(312) 814-9593

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): State Administration of the Federal Community Development Block Grant Program (47 Ill. Adm. Code 110)

1) Rulemaking:

A) Description: The proposed rulemaking revises the program rules for the Community Development Assistance Program.

B) Statutory Authority: Implementing Title I of the Housing and Community Development Act of 1974 (42 USCA § 5301) and Section 605-940 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-940 and 605-95].

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: July 1, 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Small businesses and small municipalities are encouraged to apply for Community Development Assistance Program funds. The proposed amendments will not



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## JANUARY 2001 REGULATORY AGENDA

materially affect their ability to access these funds.

F) Agency contact person for information:

Raya Bogard  
Administrative Code Rules Manager  
Illinois Department of Commerce and  
Community Affairs  
100 West Randolph, Suite 3-400  
Chicago, Illinois 60601  
(312) 814-9593

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF CORRECTIONS

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a) Part(s) (Heading and Code Citation): Records of Committed Persons, 20 Ill. Adm. Code 1071) Rulemaking:

A) Description: This rulemaking will update procedures for award of good time and restoration of good conduct credits in accordance with current statutes.

B) Statutory Authority: 730 ILCS 5/3-6-3

C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before July 1, 2001

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Patricia Lubben, Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277  
(217) 522-2666, extension 6507

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Correctional Industries, 20 Ill. Adm. Code 1171) Rulemaking:

A) Description: This rulemaking will add a new industry operation. The "Helping Paws" program provides for committed persons to train service and companion animals for persons in need of such service. The Department will work with not-for-profit organizations to save animals from destruction and train them for placement with individuals in need of service or companionship. It will also provide for a grooming and kenneling service for animals such as dogs and cats.

B) Statutory Authority:

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C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before July 1, 2001

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Patricia Lubben, Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court

P. O. Box 19277  
Springfield, Illinois 62794-9277  
(217) 522-2666, extension 6507

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Health Care, 20 Ill. Adm. Code 415

1) Rulemaking:

A) Description: This rulemaking will update procedures concerning co-payments required of committed persons for health care in accordance with current statutory provisions and include departmental reorganizational changes.

B) Statutory Authority: 730 ILCS 5/3-2-2

C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before July 1, 2001

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Patricia Lubben, Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court

## DEPARTMENT OF CORRECTIONS

## JANUARY 2001 REGULATORY AGENDA

P. O. Box 19277  
Springfield, Illinois 62794-9277  
(217) 522-2666, extension 6507

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Security, 20 Ill. Adm. Code 501, Security

1) Rulemaking:

A) Description: This rulemaking will update security procedures, including restraining procedures for pregnant inmates in accordance with 730 ILCS 125/17.5 and use of oleo resin capsicum.

B) Statutory Authority: 730 ILCS 5/3-2-2

C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before July 1, 2001

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Patricia Lubben, Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court

P. O. Box 19277  
Springfield, Illinois 62794-9277  
(217) 522-2666, extension 6507

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Classification and Transfers, 20 Ill. Adm. Code 503

1) Rulemaking:

A) Description: This rulemaking will update rules regarding classification and transfers of committed persons to be non-gender specific, to include organizational changes, and to delete

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references to the Menard Psychiatric Center. The psychiatric center has been moved to Dixon.

- B) Statutory Authority: 730 ILCS 5/3-2-2
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2001
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
 Patricia Lubben, Rules Coordinator  
 Illinois Department of Corrections  
 1301 Concordia Court  
 P.O. Box 19277  
 Springfield, Illinois 62794-9277  
 (217) 522-2666, extension 6507
- G) Related rulemakings and other pertinent information: None

- f) Part(s) (Heading and Code Citation): Discipline and Grievances, 20 Ill. Adm. Code 504 Subparts F and G

1) Rulemaking:

- A) Description: This rulemaking will update and clarify time frames for filing and processing committed persons grievances.
- B) Statutory Authority: 730 ILCS 5/3-7-1, 3-8-8, and 3-10-9
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before March 1, 2001
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

## DEPARTMENT OF CORRECTIONS

## JANUARY 2001 REGULATORY AGENDA

Patricia Lubben, Rules Coordinator  
 Illinois Department of Corrections  
 1301 Concordia Court  
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Springfield, Illinois 62794-9277  
 (217) 522-2666, extension 6507

- G) Related rulemakings and other pertinent information: None

- g) Part(s) (Heading and Code Citation): Discipline and Grievances, 20 Ill. Adm. Code 504 Subparts A, B, C, D, and E

1) Rulemaking:

- A) Description: This rulemaking will update disciplinary and confinement procedures to include new or expanded offenses and provide for changes due to departmental reorganization.
- B) Statutory Authority: 730 ILCS 5/3-7-1, 3-8-7, 3-10-8, and 3-13-4
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2001
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
 Patricia Lubben, Rules Coordinator  
 Illinois Department of Corrections  
 1301 Concordia Court  
 P. O. Box 19277  
 Springfield, Illinois 62794-9277  
 (217) 522-2666, extension 6507
- G) Related rulemakings and other pertinent information: None

## ILLINOIS REGISTER

## DEPARTMENT OF HUMAN SERVICES

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Part(s) (Heading and Code Citation): 59 Ill. Adm. Code 275/New Rule (not yet named)

## 1) Rulemaking:

- A) Description: New rule on supervised residential care for persons with mental illness. The rule will serve as the basis for certifying residential settings to provide care to persons with mental illness.
- B) Statutory Authority: Implementing and authorized by the Mental Health and Developmental Disabilities Code [405 ILCS 5] and the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705].
- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: April 2001

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: N/A

Part(s) (Heading and Code Citation): 59 Ill. Adm. 299/Sexually Violent Persons

## 1) Rulemaking:

- A) Description: Revisions to expand the provisions that deal with conditionally released sexually violent persons.
- B) Statutory Authority: Implementing and authorized by the Sexually Violent Persons Commitment Act [725 ILCS 20].

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C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: April 2001

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: N/A

Part(s) (Heading and Code Citation): 77 Ill. Adm. Code 2030/Award Monitoring of Funds

## 1) Rulemaking:

A) Description: This rulemaking is being revised for clarification of issues and policies that reflect current practice.

B) Statutory Authority: Authorized by the Illinois Alcoholism and Drug Abuse and Dependency Act [20 ILCS 301].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: June 2001

E) Effect small business, small municipalities or not for profit corporations? Yes

F) Agency contact person for information:

Susan Weir, Bureau Chief



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Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 77 Ill. Adm. Code  
2060/Alcoholism and Substance Abuse Treatment and Intervention  
Licenses

1) Rulemaking:

A) Description: The rule is being revised to deal with issues that need clarification on the clinical areas.

B) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: February 2001

E) Effect small business, small municipalities or not for profit corporations? Yes

F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 77 Ill. Adm. Code  
2080/Triplicate Prescription Control Program

1) Rulemaking:

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A) Description: The rule is being revised to reflect newly passed legislation allowing for electronic triplicate prescription reporting.

B) Statutory Authority: Authorized by Section 302(d) of Article III of the Illinois Controlled Substances Act [720 ILCS 570/302(d)].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: March 2001

E) Effect small business, small municipalities or not for profit corporations? Yes

F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 112/Temporary Assistance for Needy Families

2) Rulemaking:

A) Description: This rulemaking will revise current rule to stop the 60-month TANF time limit count for a person who is receiving assistance and caring for a severely disabled child to keep the child from being institutionalized approved for a waiver under the Home - Community Based Care Program.

B) Statutory Authority: Implementing Article IV and authorized by section 12-13 if the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period.

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Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: June, 2001
- E) Effect small business, small municipalities or not for profit corporations? None
- F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information: None

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 112/Temporary Assistance for Needy Families

1) Rulemaking:

- A) Description: This rulemaking will revise current filing unit rule to exclude the mother from TANF benefits when the mother and newborn are participating in an alternative residential program and the mother's needs are covered by the Department of Corrections.

- B) Statutory Authority: Implementing Article IV and authorized by section 12-13 if the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: To be determined

- E) Effect small business, small municipalities or not for profit corporations? None

- F) Agency contact person for information:

## ILLINOIS REGISTER

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2001 REGULATORY AGENDA

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information: None

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 112/Temporary Assistance for Needy Families

1) Rulemaking:

- A) Description: These proposed amendments will provide payments for an attorney or advocate, working under attorney supervision, who represents a TANF recipient before an Administrative Law Judge in an appeal for claiming SSI benefits, which is decided in favor of the recipient. This rulemaking expands this from General Assistance recipients to TANF clients. This would benefit the families we serve.

- B) Statutory Authority: Implementing Article IV and authorized by section 12-13 if the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: To be determined

- E) Effect small business, small municipalities or not for profit corporations? None

- F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information: None

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Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 112/Temporary Assistance for Needy Families

1) Rulemaking:

A) Description: Under these proposed amendments, all income will be budgeted prospectively for all programs. Income will no longer be budgeted retrospectively.

B) Statutory Authority: Implementing Article IV and authorized by section 12-13 if the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: To be determined

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 112/Temporary Assistance for Needy Families

1) Rulemaking:

A) Description: This rulemaking implements the Employment Retention and Advancement Project (ERA) which is a 5-year demonstration project that tests alternative approaches to job advancement. Add language to the rule to create the ERA demonstration project.

B) Statutory Authority: Implementing Article IV and authorized

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by section 12-13 if the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: June, 2001

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 112.84/Temporary Assistance for Needy Families

1) Rulemaking:

A) Description: It is anticipated that these proposed amendments will require randomly selected TANF clients who live in selected offices and who have been working at least 30 hours a week for six or more consecutive months to participate, after assessment by service providers, in education and training or in work-focused assistance provided through the service provider or face possible loss of TANF benefits (sanction).

B) Statutory Authority: Implementing Article IV and authorized by section 12-13 if the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as

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- amended by P.A. 88-667.
- D) Date agency anticipates First Notice: July, 2001
- E) Effect small business, small municipalities or not for profit corporations? None
- F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information: None

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 121/Food Stamps

1) Rulemaking:

- A) Description: Change the Food Stamp Employment and Training Programs to implement the Federal waiver.
- B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.
- D) Date agency anticipates First Notice: April, 2001
- E) Effect small business, small municipalities or not for profit corporations? None
- F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services

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100 South Grand Avenue, East  
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 121/Food Stamps

1) Rulemaking:

- A) Description: Change in treatment of vehicles for food stamps. Food stamp vehicle policy will be changed to be the same as the TANF vehicle rules.
- B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.
- D) Date agency anticipates First Notice: June, 2001
- E) Effect small business, small municipalities or not for profit corporations? None
- F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 121/Food Stamps

1) Rulemaking:

- A) Description: Annual increase in the Gross and Net Income Eligibility Standards. The gross and net income eligibility standards are annually adjusted.



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- B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.
- D) Date agency anticipates First Notice: Oct., 2001
- E) Effect small business, small municipalities or not for profit corporations? None
- F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information:  
Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 121.63/Food Stamps

1) Rulemaking:

- A) Description: Increase in the Maximum Excess Shelter Deduction to \$340. Raises the amount of the maximum excess shelter deduction to \$340 for households not having a qualifying member.
- B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

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- D) Date agency anticipates First Notice: March, 2001
- E) Effect small business, small municipalities or not for profit corporations? None
- F) Agency contact person for information:  
Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762
- G) Related rulemakings and other pertinent information:  
Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 121.64/Food Stamps

1) Rulemaking:

- A) Description: Annual Adjustments to the Maximum Allotment. Benefit amounts are adjusted annually based on 100% of USDA92s Thrifty Food Plan.
- B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.
- D) Date agency anticipates First Notice: October, 2001
- E) Effect small business, small municipalities or not for profit corporations? None
- F) Agency contact person for information:  
Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East

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Springfield, Illinois 62762

G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 112.84/Temporary Assistance for Needy Families

1) Rulemaking:

A) Description: The final version of this proposed rule is not yet finalized. It will most likely require randomly selected TANF clients who live in selected offices and who have been working at least 30 hours a week for six or more consecutive months to participate, after assessment by service providers, in education and training or in work-focused assistance provided through the service provider or face possible loss of TANF benefits (sanction).

B) Statutory Authority:

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 10] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: July, 2001

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 509/Fiscal/Administrative Recordkeeping and Requirements.

1) Rulemaking:

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A) Description: Amendments to the rulemaking will be made based on feedback from DHS staff, after completion of site visits with providers, based on the rules.

B) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: July, 2001

E) Effect small business, small municipalities or not for profit corporations? Yes

F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 510/Appeals and Hearings

1) Rulemaking:

A) Description: This rulemaking is being amended to require a customer choosing not to attend the hearing on an appeal to request in writing that the appeal be carried forward.

B) Statutory Authority: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administration Code of Illinois [20 ILCS 5/16].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as

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amended by P.A. 88-667.

- D) Date agency anticipates First Notice: Sept., 2001
- E) Effect small business, small municipalities or not for profit corporations? None
- F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 510/Appeals and Hearings

1) Rulemaking:

- A) Description: This rulemaking is being amended to require a customer choosing not to attend the hearing on an appeal to request in writing that the appeal be carried forward.

- B) Statutory Authority: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administration Code of Illinois [20 ILCS 5/16].

- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: Sept., 2001

- E) Effect small business, small municipalities or not for profit corporations? None

- F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures

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Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 520/Authorizations

1) Rulemaking:

- A) Description: This rulemaking amends this Section to bring it into compliance with federal regulations.

- B) Statutory Authority: Implementing and authorized by Section 3(k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]

- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: Feb., 2001

- E) Effect small business, small municipalities or not for profit corporations?

- F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

- G) Related rulemaking and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 527/Recovery of Misspent Funds.

1) Rulemaking:

- A) Description: This rulemaking is being revised to reflect organizational changes in DHS.

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- B) Statutory Authority: Implementing the Illinois Grant Funds Recovery Act [30 ILCS 705] and authorized by Section 3 (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 (k)].
- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.
- D) Date agency anticipates First Notice: March, 2001
- E) Effect small business, small municipalities or not for profit corporations? Yes
- F) Agency contact person for information:  
Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762
- G) Related rulemakings and other pertinent information:  
Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 553/Assessment for Determining Eligibility and Rehabilitation Needs
- 1) Rulemaking:
- A) Description: This rulemaking revises this Section to meet the requirements of federal law and regulations.
- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.
- D) Date agency anticipates First Notice: May, 2001
- E) Effect small business, small municipalities or not for

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- F) Agency contact person for information:  
Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762
- G) Related rulemakings and other pertinent information:  
Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 562/Customer Financial Participation
- 1) Rulemaking:
- A) Description: This rule will be revised to adjust income figures for Customer Financial Participation and to clarify other Sections.
- B) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 (a), (b), and (k)].
- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.
- D) Date agency anticipates First Notice: July 2001
- E) Effect small business, small municipalities or not for profit corporations? None
- F) Agency contact person for information:  
Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762
- G) Related rulemakings and other pertinent information:



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Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 676/General Program Provisions

1) Rulemaking:

- A) Description: This Section is being revised as part of an effort to streamline and better unify HSP rules.
- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: Sept., 2001

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 677/Customer Rights and Responsibilities

1) Rulemaking:

- A) Description: This section is being revised as part of an effort to streamline and clarify HSP rules.
- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the

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Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: Sept., 2001

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 679/Determination of Need and the Resulting Service Cost Maximums

1) Rulemaking:

- A) Description: This rulemaking will revise Service Cost Maximums to reflect legislation passed by the State legislature.
- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: June, 2001

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services

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3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: Feb. 2001

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

D) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 684/Service Planning and Provisions

1) Rulemaking:

A) Description: This rulemaking is being revised as part of an effort to streamline and clarify HSP rules.

B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 24 05/3].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: Sept., 2001

E) Effect small business, small municipalities or not for profit corporations? None

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100 South Grand Avenue, East  
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 681/Prescreening

1) Rulemaking:

A) Description: This Section is being revised as part of an effort to streamline and clarify HSP rules.

B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: Sept., 2001

E) Effect small business, small municipalities or not for profit corporations?

F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 682/Eligibility

1) Rulemaking:

A) Description: This rulemaking is being revised to alter the review period for reassessment of customers with Brain Injuries.

B) Statutory Authority: Implementing and Authorized by Section

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## F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

## G) Related rulemakings and other pertinent information:

Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 686/Provider Requirements, Type Services and Rate of Payment

## 1) Rulemaking:

A) Description: This rulemaking is being amended to revise the Case Management Service requirements for customers with brain injuries.

B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: Feb., 2001

E) Effect small business, small municipalities or not for profit corporations? Yes

## F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

## G) Related rulemakings and other pertinent information:

## Part(s) (Heading and Code Citation):

## 1) Rulemaking:

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## A) Description:

## B) Statutory Authority:

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice:

E) Effect small business, small municipalities or not for profit corporations? None

## F) Agency contact person for information:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762

## G) Related rulemakings and other pertinent information:

## POLLUTION CONTROL BOARD

## JANUARY 2001 REGULATORY AGENDA

- a) Part(s) (Headings and Code Citations): Organization, Public Information, and Types of Proceedings (2 Ill. Adm. Code 2175)

- 1) Rulemaking: No docket number presently assigned

A) Description: 2 Ill. Adm. Code 2175 contains the Board's public information rules and organizational information, as required under Section 1-15 of the Administrative Procedure Act [ILCS 100/5-15] and Section 4 of the Freedom of Information Act [ILCS 140/4]. Among the information contained in Part 2175 is a listing of the Board's offices, including their addresses and telephone numbers. In recent months, the Board closed its office in Jerseyville and opened an office in Jacksonville. The Board must amend Part 2175 to reflect the changes of address and telephone number. In addition, further review of Part 2175 could indicate more amendments to this Part.

B) Statutory authority: Implementing and authorized by Section 1-15 of the Administrative Procedure Act [ILCS 100/5-15] and Section 4 of the Freedom of Information Act [ILCS 140/4].

C) Scheduled meeting/hearing dates: Public hearings are not required to amend 2 Ill. Adm. Code 2175. However, the Board would conduct such hearings if the level of public interest indicates that public hearings are desirable.

D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring of 2001.

E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law. At present, it appears that any amendments would have an insignificant impact on affected entities.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500

## POLLUTION CONTROL BOARD

## JANUARY 2001 REGULATORY AGENDA

Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@pcb.state.il.us

G) Related rulemakings and other pertinent information: No other presently-anticipated proceedings would affect the text of Part 2175.

b) Part(s) (Heading and Code Citation): Permits and General Provisions (35 Ill. Adm. Code 201)

- 1) Rulemaking: No docket number presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to the permitting of emission units that change locations at least once a year. This rulemaking would address the procedures for the transfer of Federally Enforceable State Operating Permits (FESOPs) to new owners following a change of ownership of a permitted source. The proposed rule would address the permitting of emission units that may emit pollutants at multiple sites.

B) Statutory authority: Implementing and authorized by Sections 10 and 27 of the Environmental Protection Act [415 ILCS 5/10 & 26 27].

C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring of 2001. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring of 2001. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois*



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Register.

E) Effect on small business, small municipalities, or not-for-profit corporation: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates a portable emission unit.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@pcb.state.il.us

G) Related rulemakings and other pertinent information: One other prospective rulemaking (see item (c) below) and other, as yet unknown, unrelated Board proceedings could impact Part 201.

For information regarding the IEPA's development of its proposal, please contact the following IEPA attorney:

Rachel Doctors  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-5544

c) Part(s) (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)  
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)  
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved

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A) Description: The IEPA is currently developing amendments for proposal to the Board to accomplish several goals in a single cleanup rulemaking. This includes the following amendments to the Illinois ozone rules: (1) the rulemaking may amend existing air pollution control rules for lithographic printing operations to clean up the existing language to make Parts 218 and 219 consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and with recent revisions to these rules; (2) the rulemaking may include amendments to existing rules for volatile organic liquid storage tanks; (3) the rulemaking may include a rule to amend existing rules for perchlorethylene dry cleaners, since perchlorethylene was delisted as a volatile organic material by the United States Environmental Protection Agency (USEPA); (4) the rulemaking may amend existing rules for capture efficiency testing in order to make state rules consistent with USEPA's final rule on the revised capture efficiency test methods; (5) the rulemaking may correct minor or nonsubstantive errors amending rules for incorporations by reference, batch operations, and afterburner operation, air oxidation reactors and vapor collection and control systems; and (6) the rulemaking may also amend Part 211 to conform any possible conflicting provisions with the changes made to 35 Ill. Adm. Code 218 and 219.

B) Statutory authority: Implementing and authorized by Sections 9.8, 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/9.8, 27, 28.2 & 28.5].

C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its rulemaking proposal to the Board in the Spring or Summer of 2001. No hearings are scheduled at this time. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 of the Environmental Protection Act [415 ILCS 5/27 or 28.5] for rulemakings that are required under the federal CAA.

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2001. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that emits volatile organic material. However, the IEPA anticipates that the amendments will have no new substantive impact on any sources, since the amendments will be a clean-up of existing requirements.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@pcb.state.il.us

- G) Related rulemakings and other pertinent information: Another prospective IEPA proposal (see item (b) above) and Board docket R01-19 (see item (d) below) could affect the text of Part 211. No other presently-known prospective proceeding would potentially impact the general provisions of Part 218 or Part 219.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Rachel Doctors  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-5544

- d) Part(s) (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

- 1) Rulemaking: Docket number R01-19

- A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of

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Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved docket number R01-19 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2000, through December 31, 2000. At this time, the Board is not aware of any federal amendments to the federal definition of VOM. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2001. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R01-19, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2000, the due date for Board adoption would be July 1, 2001.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 26 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (42 USC & A7 7418) for amendment of the Illinois ozone SIP.

- D) Date agency anticipates: First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2001, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2001, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-March 2001. This would be sufficiently in advance of the due date to allow the Board to

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accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-19, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R01-19, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601  
312-814-6924  
E-mail: mcammb@ipcb.state.il.us

G) Related rulemakings and other pertinent information: Other prospective proceedings (see items (b and c) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 211.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

e) Part(s) (Heading and Code Citation): Toxic Air Contaminants (35 Ill. Adm.

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Code 232)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board that would incorporate requirements for lead-based paint removal into the Illinois air pollution control regulations.

B) Statutory authority: Implementing and authorized by Sections 9.5, 10 and 27 of the Environmental Protection Act [415 ILCS 5/9.5, 10 & 26 27].

C) Scheduled meetings/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Summer of 2001. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Summer of 2001. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that engages in the removal of lead-based paint.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@ipcb.state.il.us



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- G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 232.

For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Deborah J. Williams  
Illinois Environmental Protection Agency  
Environmental Policy  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-5544

- f) Part(s) (Headings and Code Citations): Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)

- 1) Rulemaking: No docket number presently assigned.

- A) Description: On October 27, 1998, USEPA found Illinois' State Implementation Plan (SIP), and that of numerous other states, deficient for failing to contain provisions requiring control of emissions that contribute to non-attainment or interfere with maintenance of the ozone air quality standard in other states pursuant to Section 110(a)(2)(D) of the CAA. Under this rulemaking, Illinois was required to adopt NOx emission controls for four categories of industrial sources. The Agency has already proposed rules to control large stationary sources of nitrogen oxides (NOx), specifically, boilers and turbines serving electric generator units greater than 25 megawatts; boilers, and turbines with head input greater than 250 mmBtu/hr; and large cement kilns with ozone season emissions greater than one ton. The fourth category, large internal combustion engines, is the subject of this notice. The U.S. Court of Appeals for the D.C. Circuit remanded this category to USEPA for further consideration. Once USEPA promulgates a final rule for large internal combustion engines, the Agency will have to proceed promptly with the rulemaking. The Agency may also revise Sections in 35 Ill. Adm. Code 201 concerning continuous emissions monitoring.

- B) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28.5 of the Act (415 ILCS 5/10 & 26 27, and 28.5).

- C) Scheduled Meetings/Hearing Dates: IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated by the Summer of 2001. No hearings are scheduled at

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this time. Once the proposal is filed, the Board will hold hearings on the schedule set forth in Section 28.5 of the Act for those rulemakings required under the federal CAA.

- D) Date Agency anticipates First Notice: IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated by the Summer of 2001, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rule would affect small businesses, municipalities, or not-for-profit corporations to the extent they own or operate a large internal combustion engine source that emits NOx.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@pcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently known proceedings would affect the text of Part 217.

The IEPA will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact the following IEPA attorney:

Vera Herst  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-5544



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g) Part(s) (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is reviewing the water quality standards and criteria pertaining to various wastewater parameters. The IEPA has stated that it may prepare a petition to update the standards and criteria for filing before the Board if necessary. The water quality parameters that the proposal would affect might include, but might not be limited to, the following: selenium, cadmium, zinc, nickel, barium, benzene, toluene, ethylbenzene, xylene, and weak acid dissociable cyanide.

B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 26 27].

C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in July 2001. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in July 2001. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

## POLLUTION CONTROL BOARD

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Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information: Another prospective proceeding (see item (i) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 302.

For information regarding the Illinois EPA's development of this proposal, please contact:

Toby Frevert  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-1654

h) Part(s) (Heading and Code Citation): Effluent Standards (35 Ill. Adm. Code 304)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to deoxygenating wastes. This rule would replace the five-day biochemical oxygen demand (BOD5) effluent standard with the carbonaceous biochemical oxygen demand ("CBOD5") standard.

B) Statutory Authority: Implementing and authorized by Sections 13 and 27 of the Environmental Protection Act [415 ILCS 5/13 & 26 27].

C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in July 2001. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28].

D) Date agency anticipates First Notice: An IEPA expects to file a

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proposal in July 2001 with the Board. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on Small Businesses, small municipalities or not for profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@pcb.state.il.us

G) Related rulemaking and other pertinent information:

For information on the Agency's development of this proposal contact:

Tom McSwiggin  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-1654

i) Part(s) (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)

1) Rulemaking: Docket number ROL-13

A) Description: The Illinois Environmental Protection Agency (IEPA) filed a rulemaking proposal on August 30, 2000 relating to maintenance of stream water quality. These rules would establish

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the criteria that the IEPA would use to ensure compliance by individual dischargers with the stream water quality nondegradation requirement of 35 Ill. Adm. Code 302.105.

B) Statutory authority: Implementing and authorized by Sections 11(b), 13, and 27 of the Illinois Environmental Protection Act [415 ILCS 5/11(b), 13 & 26 27].

C) Scheduled meeting /hearing date: The Board held hearings on the proposal on November 17, 2000 and December 6, 2000. A third hearing has been set for February 6, 2001.

D) Date agency anticipates First Notice: The Board anticipates filing a Notice of Proposed Amendments in the *Illinois Register* at the conclusion of the hearing process.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Marie Tipsord  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601  
312-814-4925

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@pcb.state.il.us

G) Related rulemaking and other pertinent information: Another prospective proceeding (see item (g) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 302.

The IEPA anticipates filing a related rulemaking with the Secretary of State Index Department. This rulemaking will detail the procedures the IEPA will follow to administer the Board's criteria to ensure compliance by individual dischargers with the

## POLLUTION CONTROL BOARD

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stream water quality nondegradation requirement of 35 Ill. Adm. Code 302.105.

For information regarding the IEPA's development of this proposal, please contact the following person at IEPA:

Toby Prevert  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-1654

j) Part(s) (Headings and Code Citations): Permits (35 Ill. Adm. Code 309)

1) Rulemaking: No docket number presently assigned

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to maintenance of stream water quality. The rules would amend the standards and procedures for the IEPA to use in setting effluent limits by permit that are necessary to ensure compliance with water quality standards for individual dischargers that are derived under 35 Ill. Adm. Code 304.105.

B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act (415 ILCS 5/11, 13 & 26 27).

C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in July 2001. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 26 28).

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in July 2001. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that

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discharges wastewater into the waters of this State.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@pcb.state.il.us

G) Related rulemaking and other pertinent information: Another prospective proceeding (see item (k) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 309.

For information regarding the IEPA's development of this proposal, please contact the following person:

Toby Prevert  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-1654

k) Part(s) (Heading and Code Citation): Permits (35 Ill. Adm. Code 309)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to maintenance of stream water quality. The rules would amend the criteria to be used by the IEPA in determining mixing zones necessary to ensure compliance with water quality standards for individual dischargers under 35 Ill. Adm. Code 302.102.

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B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 26 27].

C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in July 2001. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in July 2001. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@pcb.state.il.us

G) Related rulemaking and other pertinent information: Another prospective proceeding and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 309.

For information regarding the IEPA's development of this proposal, please contact the following person:

## POLLUTION CONTROL BOARD

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Toby Frevert  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-1654

1) Part(s) (Heading and Code Citation): Standards for Sludge Management (35 Ill. Adm. Code 313)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge that is applied to land.

B) Statutory authority: Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 26 27]

C) Schedule meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal during July of 2001. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal during the July of 2001. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:



## POLLUTION CONTROL BOARD

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Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

## Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@pcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently known Board proceedings would potentially impact the general provisions of Part 313.

The IEPA anticipates proposing amendments to its rules entitled "Design Criteria for Sludge Application on Land, & 35 Ill. Adm. Code 391, which involve a related subject matter.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Lisa Moreno  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276

Interested persons may also contact the following IEPA representative about its prospective rulemaking proposal:

Alan Keller, P.E.  
Manager, Northern Municipal Unit  
Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Bureau of Water  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-0810

- m) Part(s) (Headings and Code Citations):  
Sewer Discharge Criteria (35 Ill. Adm. Code 307)

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Pretreatment Programs (35 Ill. Adm. Code 310)

- 1) Rulemaking: Docket number R01-25

A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA). The Board has reserved docket number R01-25 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2000, through December 31, 2000. At this time, the Board is aware that USEPA undertook one action that affected the text of 40 CFR 400 through 499 and its implementation. These actions, together with a brief description of each, are as follows:

65 Fed. Reg. 49666 USEPA established a new Part containing (August 14, 2000) effluent limitations and pretreatment standards for sources in the transportation equipment cleaning industry category.

The Board has not yet verified which if any of these listed federal actions will actually require amendments to the Illinois wastewater pretreatment regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 400 through 499. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2001. The Board will propose corresponding amendments to the wastewater pretreatment regulations using the identical-in-substance procedure.

Section 9.1(e) of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is August 14, 2000, the due date for Board adoption of all amendments in the period would be August 14, 2001.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3 and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 26 27].

- C) Scheduled meeting/hearing dates: None are scheduled at this time.

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If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2001, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be August 14, 2001, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-May 2001. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that pretreatment engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-25, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R01-25, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601  
312-814-6924  
E-mail: mcambrm@pcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect provisions of Parts 307 and 310.

Section 13.3 of the Environmental Protection Act provides that

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Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [ ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- n) Part(s) (Headings and Code Citations):  
General Provisions (35 Ill. Adm. Code 501)  
Permits (35 Ill. Adm. Code 502)  
Other Agricultural and Silvicultural Activities (35 Ill. Adm. Code 503)  
Implementation Program (35 Ill. Adm. Code 504)

- 1) Rulemaking: Docket number R98-11

- A) Description: The Board opened this rulemaking docket R98-11 on September 4, 1997, to identify and reconcile any inconsistencies between the LMFA-related regulations of Part 506 and the pre-existing agricultural-related pollution regulations of Parts 501 through 504.

Since the opening of docket R98-11, however, Public Acts 90-565 and 91-110, effective July 13, 1999, again amended the LMFA. The Board opened docket R98-26 to amend the LMFA-related rules to conform with the subsequent statutory amendments. The Board entered an order on January 22, 1998 staying the R98-11 rulemaking proceeding until the conforming amendments of docket R98-26 are completed. It is unlikely that the Board will proceed with this docket since P.A. 91-110 delegated a majority of the regulations to the Department of Agriculture. However, the Board will wait to act on this docket until reviewing the Department's final rules and the corresponding proposal to 35 Ill. Adm. Code 506.

- B) Statutory authority: Implementing and authorized by Sections 9, 13, 22, and 27 of the Environmental Protection Act (415 ILCS 5/9, 13, 22 & 26 27).

- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. However, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 26 28).

- D) Date agency anticipates First Notice: Any action on this docket will occur in the Spring or early summer of 2001

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E) Effect on small business, small municipalities, or not-for-profit corporations: These amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates a livestock management facility or an associated waste handling structure.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-11, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R98-11, as follows:

Carol Sudman, Attorney  
Pollution Control Board  
600 South Second Street, Suite 402  
Springfield IL 62704  
217-524-8509  
E-mail: csudman@ipcb.state.il.us

G) Related rulemakings and other pertinent information: Amendments to Part 506 (see item (o) below) deals with a related subject matter.

o) Part(s) (Heading and Code Citation): Livestock Waste Regulations (35 Ill. Adm. Code 506)

1) Rulemaking: Docket number R01-28

A) Description: Since the opening of docket R98-26, P.A. 91-110, effective July 13, 1999, further amended the LMFA, a majority of the regulations related to livestock management facilities was relegated to the Department of Agriculture. However, the Board is required to repeal parts of its regulations and update construction standards for livestock management facilities.

B) Statutory authority: Implementing and authorized by Section 55 of the Livestock Management Facilities Act [10 ILCS 77/55] and Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. However, the Board will conduct public

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hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28].

D) Date agency anticipates First Notice: The Board currently has a proposal from the Department of Agriculture and will proceed with hearings and to First Notice in the Spring of 2001.

E) Effect on small business, small municipalities, or not-for-profit corporations: These amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates a livestock management facility or associated waste handling structures.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-28, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R01-28, as follows:

Carol Sudman, Attorney  
Pollution Control Board  
600 South Second Street, Suite 402  
Springfield IL 62704  
217-524-8509  
E-mail: csudman@ipcb.state.il.us

G) Related rulemakings and other pertinent information: Rulemaking R98-11 (see item (n) above) deals with a related subject matter.

p) Part(s) (Heading and Code Citation): Permits (35 Ill. Adm. Code 602)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board to establish criteria for the design, operation, and maintenance of public water supplies, and rules to facilitate the permitting process.

B) Statutory Authority: Implementing and authorized by Section 17



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and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/17 & 26 5/27].

- C) Scheduled meeting/hearing dates: When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28].

- D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by June 2001. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will generally benefit small businesses, small municipalities and not-for-profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 602.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Lou Allyn Byus  
Assistant Manager, Field Operations Services Section  
Division of Public Water Supplies

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Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield IL 62794-9276  
217-782-8653

- q) Part(s) (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

- 1) Rulemaking: Docket number R01-20

- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois SDWA regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R01-20 to accommodate any amendments to the SDWA primary drinking water regulations, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period July 1, 2000, through December 31, 2000. At this time, the Board is aware that USEPA undertook one action that affected the text of 40 CFR 141 through 143. This action, together with a brief description, is as follows:

65 Fed. Reg. 76708 USEPA adopted national primary drinking water regulations (NPDWRs) for radionuclides. Included were maximum contaminant levels (MCLs) and monitoring, reporting, and public notification requirements for community water systems. USEPA instituted new monitoring requirements for uranium, an unregulated contaminant; combined radium (Ra226&228); and gross alpha particle, beta particle, and photon radioactivity. The MCLs for combined radium and gross alpha particle, beta particle, and photon radioactivity remained unchanged from those in the interim NPDWRs for those contaminants. (The Board will need to make corresponding amendments.)

The Board has not determined the nature of any amendments that might be required by the above federal action. The Board must determine what amendments, if any, will be necessary in response



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to the federal amendments. Further, the Board has not yet determined whether this listed federal action is the only federal action that affect the text of 40 CFR 141 through 143. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2001. The Board will then propose corresponding amendments to the Illinois SDWA regulations using the identical-in-substance procedure or dismiss docket R01-20, as necessary and appropriate.

Section 17.5 mandates that the Board complete its amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on December 7, 2000, the due date for Board adoption would be December 7, 2001.

B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 26 27].

C) Scheduled meeting/hearing dates: None are scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2001, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be December 7, 2001, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-August 2001. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a "public water supply," as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

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F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-20, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R01-20, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601  
312-814-6924  
E-mail: mcammb@ipcb.state.il.us

G) Related rulemakings and other pertinent information: Another prospective proceeding (see item (r) below) and other, as yet unknown proceedings could affect the text of Part 611.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

r) Part(s) (Headings and Code Citations): Laboratory Accreditation Rules (35 Ill. Adm. Code 611)

1) Rulemaking: No docket presently reserved

A) Description: The IEPA proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the IEPA's own laboratory accreditation rules found at 35 Ill. Adm. Code 186. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the Illinois Environmental Protection Agency's (IEPA's) laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are joint rules of the IEPA, the Illinois Department of Public

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Health, and the Illinois Department of Nuclear Safety. A repeal of Part 183 has been completed.

B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 26 28]

C) Scheduled meeting/hearing dates: When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28].

D) Date Agency Anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by June 2001. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on small business, small municipalities or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402

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Springfield IL 62704  
217-782-2471  
E-mail: conleye@pcb.state.il.us

G) Other pertinent information concerning these amendments: Another prospective proceeding (see item (q) above) and other, as yet unknown proceedings could affect the text of Part 611.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Joey Logan-Wilkey  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield IL 62794-9276  
217-782-5544

s) Part(s) (Heading and Code Citation): Maximum Setback Zones (35 Ill. Adm. Code 618)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board that would establish general provisions for maximum setback zone regulations. This new Part would, in subpart B, prescribe maximum setback zone prohibitions and the applicable technology control regulations that apply under existing regulations for new and existing potential primary sources of groundwater contamination, new potential routes of groundwater contamination and new and existing activities regulated under 35 Ill. Adm. Code 615, 35 Ill. Adm. Code 616 and 8 Ill. Adm. Code 257 that are located wholly or partially within the maximum setback zone boundaries of the Illinois American Water Company, Peoria, wells as delineated within the prospective regulation.

B) Statutory Authority: Implementing and authorized by Sections 14.3 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 & 26 5/27].

C) Scheduled meeting/hearing dates: In preparing the proposal, the IEPA has met extensively with members of the Peoria City Council, the local business community, and representatives of Illinois American Water Company. The Council recognized the need for a

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maximum setback zone regulation. No new meetings are scheduled at this time. When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28].

D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by June 2001. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on Small Businesses, small municipalities or not-for-profit corporations: Small businesses, small municipalities or not for profit corporations that engage in certain activities in the affected area may be affected by having constraints imposed upon new activities within the maximum zone.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conley@pcb.state.il.us

G) Related Rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 618.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb  
Section Manager, Groundwater Section  
Division of Public Water Supplies  
Bureau of Water  
Illinois Environmental Protection Agency

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1021 North Grand Avenue East  
P. O. Box 19276  
Springfield IL 62794-9276  
217-782-8653

t) Part(s) (Heading and Code Citation): Groundwater Quality (35 Ill. Adm. Code 620)

1) Rulemaking: R01-14

A) Description: The Illinois Environmental Protection Agency (IEPA) has filed a rulemaking proposal before the Board that would amend Section 620.505 of the groundwater quality regulations (35 Ill. Adm. Code 620.505) in response to an interpretation of that Section by the appellate court in *People v. Stonehedge* (94-CH-46, May 22, 1997). Compliance monitoring points are broken into different categories in Section 620.505. Samples taken from potable water wells other than community water supply wells are acceptable under certain circumstances. The amendments would seek to expand those circumstances to instances in which the IEPA has sufficient hydrogeologic, geologic, construction, and other information to determine the reliability of data generated by analyses of samples from those wells. The amendment would provide increased protection of the groundwater by allowing sampling of greater sampling points.

B) Statutory Authority: Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act, 415 ILCS 55/8 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: The Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 26 28].

D) Date agency anticipates First Notice: The Board anticipates holding hearings and moving to First Notice with this proposal in the Spring or Summer of 2001.

E) Affect on small businesses, small municipalities or not-for-profit corporations: Small businesses, small municipalities or not-for-profit corporations would be affected by the amendments to the extent they engage in any activity that requires demonstration of compliance with the groundwater quality standards.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:



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Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@pcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 620.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb  
Section Manager, Groundwater Section  
Division of Public Water Supplies  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield IL 62794-9276  
217-782-8653

- u) Part(s) (Heading and Code Citation): Distribution System Standards (35 Ill. Adm. Code Subpart F)

- 1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Pollution Control Board (Board) to amend 35 Ill. Adm. Code Subpart F (Subtitle F) to incorporate distribution system standards including minimum water main pressure, and minimum levels of chlorine and fluoride, and other chemicals. In addition, the Illinois EPA plans to incorporate the requirements for water main and water service line separation from storm sewers, sanitary sewers, and sewer service lines.

- B) Statutory Authority: Implementing Sections 15 and 18 and authorized by Section 27 of the Illinois Environmental Protection

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Act [415 ILCS 5/15, 18 & 26 27].

- C) Scheduled meeting/hearing dates: When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/ 27 & 26 28].

- D) Date agency anticipates First Notice: The IEPA anticipates that proposed amendments to Subtitle F will be submitted to the Board by June 2001. The Board cannot project an exact date for publication at this time. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/ 27 & 26 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

- E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking will generally benefit small businesses, small municipalities and not-for-profit entities by clarifying the requirements for distribution systems.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@pcb.state.il.us

- G) Related Rulemakings and other pertinent information: No other known proceeding would impact the provisions of this proposal.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Stephen C. Ewart, Deputy Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Ave., East



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Springfield IL 62702

- v) Part(s) (Headings and Code Citations):  
 RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)  
 UIC Permit Program (35 Ill. Adm. Code 704)  
 Procedures for Permit Issuance (35 Ill. Adm. Code 705)  
 Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
 Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)  
 Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

- 1) Rulemaking: Presently reserved docket number R01-21

A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved docket number R01-21 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2000, through December 31, 2000. At this time, the Board is aware that USEPA undertook one action that affected the text of 40 CFR 144 through 148. This action, together with a brief description, is as follows:

65 Fed. Reg. 67068 USEPA adopted hazardous waste listings and (November 8, 2000) land disposal restrictions (LDRs) for chlorinated aliphatics production wastes. Included were amendments to the federal RCRA Subtitle C hazardous waste rules and the federal UIC rules.

The Board has not determined the nature of any amendments that might be required by the above federal action. The Board must determine what amendments, if any, will be necessary in response to the federal amendments. Further, the Board has not yet determined whether this listed federal action is the only federal action that affect the text of 40 CFR 144 through 148. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2001. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R01-21, as necessary and appropriate.

Section 13(c) mandates that the Board complete our amendments

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within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is November 8, 2000, the due date for Board adoption of all amendments in the period would be November 8, 2001.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 26 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time. When the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2001, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be November 8, 2001, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-August 2001. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-21, as follows:

Dorothy Gunn, Clerk  
 Pollution Control Board  
 100 West Randolph Street, Suite 11-500  
 Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R01-21, as follows:

## POLLUTION CONTROL BOARD

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Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601  
312-814-6924  
E-mail: mcambr@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket R01-23 (see item (w) below), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 730 and 738.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

w) Part(s) (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)  
RCRA Permit Program (35 Ill. Adm. Code 703)  
Procedures for Permit Issuance (35 Ill. Adm. Code 705)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)  
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)  
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)  
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)  
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)  
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)  
Land Disposal Restrictions (35 Ill. Adm. Code 728)  
Standards for Universal Waste Management (35 Ill. Adm. Code 733)  
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R01-23

- A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois

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Resource Conservation and Recovery Act (RCRA) Subtitle C regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R01-23 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 2000, through December 31, 2000. At this time, the Board is aware of the following federal actions that occurred in this time-frame:

65 Fed. Reg. 42292 USEPA adopted technical corrections to its (July 10, 2000)

September 30, 1999 (64 Fed. Reg. 52828)  
National Emission Standards for Hazardous Air Pollutants (NESHAPS) applicable to hazardous waste combustors and its June 19, 1998 (63 Fed. Reg. 33783) hazardous waste combustor rule. Included were corrections to the hazardous waste regulations segments of the rule.

65 Fed. Reg. 67068 USEPA adopted hazardous waste listings and (November 8, 2000)  
land disposal restrictions (LDRs) for chlorinated aliphatics production wastes. Included were amendments to the federal RCRA Subtitle C hazardous waste rules and the federal UIC rules.

The Board has not yet verified which if any of these listed federal actions will actually require amendments to the Illinois RCRA Subtitle C hazardous waste regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 260 through 270, 273, and 279. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2001. The Board will propose corresponding amendments to the RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is July 10, 2000, the due date for Board adoption of all amendments in the period would be July 10, 2001.

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B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7-2, 22.4(a) & 26 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2001, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 10, 2001, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-March 2001. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-23, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R01-23, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601  
312-814-6924  
E-mail: mccamb@pcb.state.il.us

G) Related rulemakings and other pertinent information: The reserved

## POLLUTION CONTROL BOARD

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UIC update docket R01-21 (see item (v) above), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 703, 721, 722, 723, 724, 725, 726, 728, 733, and 739.

Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

x) Part(s) (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R01-24

A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved docket number R01-24 to accommodate any amendments to the 40 CFR 281 through 283 that USEPA may make in the period July 1, 2000, through December 31, 2000. At this time, the Board is not aware of any federal amendments. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2001. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R01-24, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2000, the due date for Board adoption would be July 1, 2001.



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B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 26 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2001, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2001, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-March 2001. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-24, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R01-24, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601  
312-814-6924  
E-mail: mcammb@ipcb.state.il.us

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G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the text of Part 731.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [ ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

Y) Part(s) (Heading and Code Citation):

Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code Part 722)  
Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 Ill. Adm. Code Part 724)  
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 Ill. Adm. Code Part 725)  
Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code Part 809)  
Standards for New Solid Waste Landfills 935 Ill. Adm. Code Part 811)  
Operation of the Hazardous Waste Fee System (35 Ill. Adm. Code Part 855)

1) Rulemaking: No docket presently reserved

A) Description: The IEPA plans to repeal certain provisions requiring the submission of copies of manifests to the Agency.

B) Statutory authority: Regarding Parts 722, 724 and 725, Sections 22.4 and 27 of the Act [415 ILCS 5/22.4 and 27]. Regarding Part 809, Sections 5, 10, 13, 21, 22, 22.01, 22.2 and 27 of the Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27]. Regarding Part 811, Sections 5, 21, 21.1, 22, 22.17, 28.1 and 27 of the Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27]. Regarding Part 855, Sections 22.2(c) and 27 of the Act [415 ILCS 5/22.2(c) and 27].

C) Scheduled meeting/hearing dates: The IEPA anticipates it will file a rulemaking proposal in Winter or Spring of 2001. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency anticipates First Notice, if known: The IEPA



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anticipates submitting its proposal in Winter or Spring of 2001, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation required to submit copies of manifests to the IEPA.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conley@ipcb.state.il.us

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Kyle Rominger  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-5544

G) Related rulemakings and other pertinent information: See related rulemakings in the Board identical-in-substance rulemakings (items (v) and (w) above).

2) Part(s), (Heading and Code Citation): Site Remediation Program (35 Ill. Adm. Code 740)

1) Rulemaking: R01-27

A) Description: Since Part 740 was adopted on June 5, 1997, the

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Illinois Environmental Protection Agency's ("Illinois EPA") implementation of the rules has given rise to the need for some additions, corrections, and clarifications to the existing rules. The primary purpose of the amendments will be to correct mistakes and omissions, clarify ambiguities, and insure consistency across the regulations for the Site Remediation Program, Leaking Underground Storage Tank ("LUST") Program (35 Ill. Adm. Code 732), and Tiered Approach to Corrective Action Objectives ("TACO") (35 Ill. Adm. Code 742).

B) Statutory authority: Sections 4(i), 27 and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 27, 28]

C) Scheduled meeting/hearing dates: No meeting or hearing dates are scheduled at this time. Once the proposal is filed, the Board will hold hearings.

D) Date Agency anticipates First Notice: The Board anticipates holding hearings and moving to First Notice with this rulemaking in the Spring or Summer of 2001

E) Effect on small businesses, small municipalities or not-for-profit corporations: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they perform environmental remediation under the Site Remediation Program. In most cases, participation in the Site Remediation Program is voluntary, the exception being participation under Board or court orders arising out of enforcement actions. For those who do choose to participate, the proposed amendments are not expected to make substantial changes to the existing program.

One group of small businesses that will be affected is laboratories performing analyses of soil and water samples. The amendments will propose the phase-in of a requirement that laboratories performing analyses for sites in the Site Remediation Program must be accredited under 35 Ill. Adm. Code 186.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

## POLLUTION CONTROL BOARD

## JANUARY 2001 REGULATORY AGENDA

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conley@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: The Illinois EPA has proposed amendments to the the IUST regulations. See item (aa) below. For information regarding the Illinois EPA's development of the amendments to Part 740: Site Remediation Program, please contact:

Mark Wight  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield IL 62794-9276  
(217) 782-5544

- aa) Part(s) (Headings and Code Citation): Petroleum Underground Storage Tanks (35 Ill. Adm. Code 732)

1) Rulemaking: R01-26

- A) Description: The amendments will revise the regulations prescribing procedures and standards for the Agency's administration of its duties under the Leaking Underground Storage Tank ("LUST") program. These proposed amendments are intended primarily to clarify and refine certain provisions, taking into account the experience the Agency has gained in administering the rules and changes in the law since their adoption.

- B) Statutory Authority: These amendments have been proposed pursuant to Sections 5/21.1 and 22 of the Illinois Environmental Protection Act (415 ILCS 5/5, 5/21.1 and 5/22)

- C) Scheduled Meeting/Hearing Dates: None at this time

- D) Date Agency Anticipates First Notice: The Board anticipates holding hearings and moving to First Notice with this rulemaking in the Spring or Summer of 2001.

- E) Effect on Small Business, Small Municipalities or Not-for-Profit Corporations: These amendments will not affect small businesses, small municipalities or not-for-profit corporations.

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- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conley@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: None

For information regarding the development of these amendments please contact:

Judith S. Dyer  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield IL 62794-9276  
217/782-5544

- bb) Part(s) (Heading and Code Citation): Management of Used and Waste Tires (35 Ill. Adm. Code Part 848)

- 1) Rulemaking: No docket presently reserved

- A) Description: Since its adoption of Board rules on May 10, 1991, the IEPA's implementation of Part 848 has given rise to the need for amendments and corrections to better implement the used and waste tire management program.

- B) Statutory authority: Sections 27 and 55.2 of the Act [415 ILCS 5/27 and 55.2]

- C) Scheduled meeting/hearing dates: The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2001. No meetings or hearings are scheduled at this time. Once the

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proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

- D) Date Agency anticipates First Notice, if known: The IEPA anticipates submitting its proposal in Spring or Summer of 2001, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used and waste tires.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conleye@ipcb.state.il.us

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Kyle Rominger  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-5544

- G) Related rulemakings and other pertinent information: No other presently known proceedings are expected to impact Part 848.

- cc) Part(s) (Headings and Code Citations):  
Solid Waste (35 Ill. Adm. Code 807)

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Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810) Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811) Information to be Submitted in a Permit Application (35 Ill. Adm. Code 812)

Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)  
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)  
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

- 1) Rulemaking: Presently reserved docket number R01-22

- A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number R01-22 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 2000, through December 31, 2000. At this time, the Board is not aware of any amendments to the federal RCRA Subtitle D MSWLF regulations. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2001. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF rules using the identical in-substance procedure or dismiss docket R01-22, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete its amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R01-22, if the earliest federal amendments in the applicable period is assumed to have occurred on July 1, 2000, the nominal due date would be July 1, 2001.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 26 27].

- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: The Board cannot project an

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exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2001, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2001, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-March 2001. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-22, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R01-22, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601  
312-814-6924  
E-mail: mccamb@pcb.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceedings would affect the text of Parts 807, 810, 811, 812, 813, 814, or 815.

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days

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after the date of publication.

dd) Part(s) (Heading and Code Citation):  
General Provisions (35 Ill. Adm. Code Part 900)  
Sound Emission Standards and Limitations for Property Line-Noise-Sources (35 Ill. Adm. Code Part 901)

1) Rulemaking: No docket presently reserved

A) Description: 35 Ill. Adm. Code Part 900 contains the general provisions to the Board's noise regulations. Section 900.103 sets forth the procedures to be used for measuring sound. Under that Section the procedures used must be in substantial conformity with certain standards of the American National Standards Institute ("ANSI"). The ANSI standards referenced in Section 900.103, however, are now outdated. The proposed amendments will update the references to current ANSI standards.

35 Ill. Adm. Code Part 901 contains the standards for allowable sound levels from property line noise sources. 35 Ill. Adm. Code 901.104 contains limits for impulsive sound and requires sound to be measured with "fast dynamic characteristic" and is therefore inconsistent with 35 Ill. Adm. Code 900.103(b), which requires sound to be measured as "leq". Section 901.104 will be amended to comply with the requirements of Section 900.103(b).

B) Statutory authority: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/25 and 5/27).

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act (415 ILCS 5/27, 5/28), possibly in Spring or Summer of 2001.

D) Date Agency anticipates First Notice, if known: A Spring or Summer 2001 IEPA submittal of the proposal to the Board is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking may affect any small business, small municipality or not-for-profit corporation subject to the Board's noise regulations.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:



## POLLUTION CONTROL BOARD

## JANUARY 2001 REGULATORY AGENDA

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471  
E-mail: conley@pcb.state.il.us

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Kyle Rominger  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-5544

- G) Related rulemakings and other pertinent information: The IEPA plans to repeal 35 Ill. Adm. Code Parts 951 and 952. Those Parts set forth measurement procedures adopted pursuant to 35 Ill. Adm. Code 900.103, and are therefore based upon outdated ANSI standards.

ee) Part(s) (Headings and Code Citations):

General Provisions (35 Ill. Adm. Code 1420)  
Activity Standards (35 Ill. Adm. Code 1421)  
Design and Operation of Facilities (35 Ill. Adm. Code 1422)

1) Rulemaking: No docket presently reserved

- A) Description: 35 Ill. Adm. Code Subtitle M, Parts 1420, 1421, and 1422, are the rules for Potentially Infectious Medical Waste (PIMW). Through administration of these rules, the IEPA has identified a need for the disposal outside of the municipal waste stream of household medical waste, including sharps, generated from home health care. One approach under consideration is to exempt from the transfer station permit requirement doctors' offices, hospitals and pharmacies that accept household-generated medical wastes for transfer to disposal facilities. The permit

## POLLUTION CONTROL BOARD

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requirement may be replaced with a requirement for registration with the IEPA. Certain other provisions are in need of clarification. However, it is not clear at this time whether each of the three Parts will need to be amended.

- B) Statutory Authority: Sections 27 and 56.2(f) of the Act (415 ILCS 5/27, 56.2(f))

- C) Scheduled Meeting/Hearing Dates: The IEPA presently anticipates that it will file a rulemaking proposal in Spring or Summer 2001. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27, 28].

- D) Date Agency Anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in Spring or Summer 2001, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: This rule may affect any small business, small municipality, or not-for-profit corporations that disposes PIMW. The IEPA anticipates that the changes contemplated would not have a significant effect. Exempting medical providers from the transfer station permit requirement if they accept household-generated waste for transfer to disposal facilities would assist such providers in performing a community service by reducing the associated regulatory burden. The clarifications being considered would not substantively change the existing requirements.

- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
600 S. Second St., Suite 402  
Springfield IL 62704  
217-782-2471

## POLLUTION CONTROL BOARD

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E-mail: conley@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other presently-known proceeding would potentially impact Parts 1420, 1421, and 1422.

For information regarding the development of these amendments please contact:

Kyle Rominger  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217-782-5544

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- a) Part(s) (Heading and Code Citation): Uniform Commercial Code (14 Ill. Adm. Code 180)

1) Rulemaking:

- A) Description of Rule(s): Implementation of article 9, Uniform Commercial Code-Secured Transactions pursuant to 810 ILCS 5/9-526.
- B) Statutory Authority: Public Act 91-893, amends in its entirety 810 ILCS 5/9-101 et. seq
- C) Scheduled meeting/hearing dates: May 1, 2001; June 1, 2001
- D) Date the agency anticipates First Notice: April 1, 2001
- E) Impact on small business, small municipalities or not-for-profit corporations: Any entity or individual who records a security interest as a secured party or grants a security interest in connection with a business or personal loan pursuant to Article 9 will be impacted.

F) Agency contact person for information:

Raymond J. Watson, Assistant General Counsel  
298 Howlett Building  
Springfield IL 62756  
217-785-3094  
Fax: 217-524-1689

- G) Related rulemaking and other pertinent information: In the event these rules are not approved by July 1, 2001, the effective date of P.A. 91-893, it will be necessary to implement emergency rules until these are approved.

- b) Part(s) (Heading and Code Citation): Illinois State Library, Acquisitions Division Illinois Documents Section, 23 Ill. Adm. Code 3020

1) Rulemaking:

- A) Description of Rule(s): Revision of the rules to reflect needed updates regarding the Illinois documents depository program, including access to electronic information.

- B) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320]. The changes are derived from P.A. 91-0507, which was signed into law on August 13, 1999.

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C) Schedule meeting/hearing date: A hearing will not be scheduled. Public comment will be requested through letters, faxes, and electronic mail.

D) Date agency anticipates First Notice: March 2001

E) Impact on small businesses, small municipalities or not-for-profit corporations: No direct impact

F) Agency contact person for information:

Joseph Natale, Rules Coordinator  
Illinois State Library  
300 South Second Street  
Springfield IL 62701-1796  
(217) 558-4185  
Fax: (217) 557-6737  
E-mail: jnatale@ilsos.net

G) Related Rulemaking and other pertinent information: None

c) Part(s) (Heading and Code Citation): Public Library Construction Grants, 23 Ill. Adm. Code 3060

1) Rulemaking:

A) Description of Rule(s): Revisions regarding a fidelity bond, secured funds and disbursement of funds; amending the financial reporting forms; removing requirement for the submission of a letter-of-intent to regional planning commissions; requiring a letter of support from the library systems; and construction subcommittee voting guidelines.

B) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

C) Scheduled meeting/hearing dates: A hearing will not be scheduled. Public comment will be requested through letters, faxes, and electronic mail.

D) Dates agency anticipates First Notice: March 2001

E) Impact on small businesses, small municipalities or not-for-profit corporations: No direct impact

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F) Agency contact for information:

Joseph Natale, Rules Coordinator  
Illinois State Library  
300 South Second Street  
Springfield IL 62701-1796  
(217) 558-4185  
Fax: (217) 557-6737  
E-mail: jnatale@ilsos.net

G) Related rulemaking and other pertinent information: None

d) Part(s) (Heading and Code Citation): Procedures and Standards, 92 Ill. Adm. Code 1001.10, et seq.

1) Rulemaking:A) Description:

1. A general revision of the above-referenced rules has just been completed. There are, however, a couple of corrections and adjustments which should be made to this rulemaking which were not caught during our final review of the revisions. These revisions would be made in Part B and C (71001.200 and .300 et seq.)

2. A revision of our rule on the cancellation of driving privileges. Recently, a judge of the circuit court of Sangamon County ruled that we could not cancel a person's driving privileges without providing a hearing to challenge the cancellation prior to the cancellation. Our revision would clarify/specify under what circumstances we would cancel prior to a hearing and when we would allow a driver to show cause, prior to a cancellation, why his/her driving privileges should not be cancelled. These revisions would be made in Part D (section 1001.400 et seq.)

3. A revision of the rule of Breath Alcohol Ignition Interlock Devices, which will make the program permanent and expand the class of petitioner who must participate in the program in order to be issued a restricted driving permit. These revisions would be made in part D (section 1001.441.)

4. Finally, we have proposed legislation which would allow the Secretary of State to charge a filing fee in petitions for driving relief. This legislation requires that the details be implemented by a rulemaking. Therefore, if this proposal

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becomes law, we would submit a rule to implement it in either this or the next fiscal year. This rulemaking would most likely be made in Part A (section 1001.10 et seq.)

- B) Statutory Authority: 625 ILCS 5/2-104
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Spring 2001
- E) Affect on small businesses, small municipalities on not-for-profit corporation: The impact on small businesses would be beneficial, due to the expansion of the class of petitioners who would have to participate in the interlock program. There would not be any impact on small businesses, small municipalities, and not-for-profit corporations from the other rulemakings.

F) Agency contact person for information:

Marc Christopher Loro, Legal Advisor  
Howlett Building, Room 200  
Springfield IL 62756  
217/785-8245  
Fax: 217/782-2192  
E-mail: mloro@ilsos.net

- G) Related rulemaking and other pertinent information: None

e) Part(s) (Heading and Code Citation): Commercial Driver's License and Endorsement and/or Accreditation Training Schools, 92 Ill. Adm. Code 1060.200

1) Rulemaking:

- A) Description: Will be amending the above referenced Part to implement any legislative changes enacted by the General Assembly and passed into law.

B) Statutory Authority: Implementing the Secretary of State's authority to enact legislation affecting Chapter 6 of the Illinois Vehicle Code.

- C) Scheduled meeting/hearing dates: Not at this time

D) Date agency anticipates First Notice: January 2001

- E) Affect on small businesses, small municipalities on not-for-profit

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corporation: This proposed rulemaking may have an affect on small business; therefore, we will provide a copy of the rule to DCCA for review.

F) Agency contact person for information:

Thomas Wekony, CDL Administrator  
Driver Services Facility  
650 Roppolo Drive  
Elk Grove Village IL 60007  
847-437-3710  
Fax: 847-437-3911

- G) Related rulemaking and other pertinent information: None

f) Part(s) (Heading and Code Citation): Issuance of Licenses, 92 Ill. Adm. Code 1030.60; Third - Party Certification Program

1) Rulemaking:

- A) Description: Will be amending the above referenced part to implement any legislative changes enacted by the General Assembly and passed into law and to include recently proposed language that was omitted from a previous amendment of this Section.

B) Statutory Authority: Implementing the Secretary of State's authority to enact legislation affecting Chapter 6 of the Illinois Vehicle Code.

- C) Schedule meeting/hearing date: None at this time

D) Date agency anticipated First Notice: January 2001

- E) Affect on small businesses, small municipalities or not-for-profit corporations: This proposed rulemaking may have an affect on small businesses, therefore, we will provide a copy of the rule to DCCA review.

F) Agency contact person for information:

Thomas Wekony, CDL Administrator  
Driver Services Facility  
650 Roppolo Drive  
Elk Grove Village IL 60007  
847-437-3710  
Fax: 847-437-3911



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- G) Related information and other pertinent information: None

g) Part(s) (Heading and Code Citation): Cancellation, Revocation or Suspension of Licenses or Permits, 92 Ill. Adm. Code 1040.100; Recessions

1) Rulemaking:

A) Description of Rule(s): Will be amending the above referenced Part to implement any legislative changes enacted by the General Assembly and passed into law.

B) Statutory Authority: Implementing the Secretary of State's authority to enact legislation affecting Chapter 6 of the Illinois Vehicle Code.

C) Schedule meeting/hearing date: Not at this time

D) Date agency anticipates First Notice: Early February 2001

E) Affect on small businesses, small municipalities or not-for-profit corporations: This proposed rulemaking will have no affect on small business; therefore, we have not provided a copy of the rule to DCCA for review.

F) Agency contact person for information:

Robert W. Mueller  
Assistant General Counsel  
2701 S. Dirksen Parkway  
Springfield IL 62723  
217/782-5356 or 217/785-3094  
Fax: 217/785-1385 or 217/524-1689

G) Related information and other pertinent information: None

h) Part(s) (Heading and Code Citation): Cancellation, Revocation or Suspension of Licenses or Permits, 92 Ill. Adm. Code 1040.20; Illinois Offense Table

1) Rulemaking:

A) Description of Rule(s): Will be amending the above referenced Part to implement any legislative changes enacted by the General Assembly and passed into law.

B) Statutory Authority: Implementing the Secretary of State's

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authority to enact legislation affecting Chapter 6 of the Illinois Vehicle Code.

C) Schedule meeting/hearing date: Not at this time

D) Date agency anticipates First Notice: March 2001

E) Affect on small businesses, small municipalities or not-for-profit corporations: This proposed rulemaking will have no affect on small business; therefore, we have not provided a copy of the rule to DCCA for review.

F) Agency contact person for information:

Robert W. Mueller  
Assistant General Counsel  
2701 S. Dirksen Parkway  
Springfield IL 62723  
217/782-5356 or 217/785-3094  
Fax: 217/785-1385 or 217/524-1689

G) Related information and other pertinent information: None

i) Part(s) (Heading and Code Citation): Certificates of Title, Registration of Vehicles; 92 Ill. Adm. Code 1010

1) Rulemaking:

A) Description: Amending existing rules or create new rules to accommodate technical or procedural changes in anticipation of or because of new legislation.

B) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5/2-104 (b)]

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Don Kerber, Legislative Liaison  
Vehicle Services Division  
Howlett Building, Room 312

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Springfield IL 62756  
217/782-4565  
Fax: 217/785-4727

C) Related information and other pertinent information: None

j) Part(s) (Heading and Code Citation): Dealers, Wreckers, Transporters and Rebuilders; 92 Ill Adm. Code 1020

1) Rulemaking:

A) Description: Amend existing rules or create new rules to accommodate technical or procedural changes in anticipation of or because of new legislation.

B) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5/2-104 (b)]

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Don Kerber, Legislative Liaison  
Vehicle Services Division  
Howlett Building, Room 312  
Springfield IL 62756  
217/782-4565  
Fax: 217/785-4727

G) Related information and other pertinent information: None

k) Part(s) (Heading and Code Citation): Electronic Commerce Security Act; 14 Ill. Adm. Code 100

1) Rulemaking:

A) Description of Rule: Amend Section 100.5 by adding new subsection (c). This amendment will exempt agencies of state government from the requirement that a \$100,000 bond be posted in order to have a security procedure for electronic signatures certified by the Secretary of State. While such bonds may be necessary from

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private entities, it is not believed such a bond is necessary from a state government agency.

B) Statutory Authority: 5 ILCS 175/15-115

C) Scheduled meeting/hearing dates: None Scheduled

D) Date the agency anticipates First Notice: February 1, 2001

E) Impact on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Nathan Maddox, Assistant General Counsel  
298 Howlett Building  
Springfield IL 62756  
217-785-3094  
Fax: 217-524-1689

G) Related rulemaking and other pertinent information: None

l) Part(s) (Heading and Code Citation): Commercial Driver Training Schools; 92 Ill Adm. Code 1060

1) Rulemaking:

A) Description of Rule: Amend Section 1060.190, Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and instructor's License, by adding a new subsection. Under current rules, if a commercial driver training school or instructor has engaged in or permitted any type of fraudulent activity, either with reference to a student or the Secretary of State, and their license is revoked, they may not apply for a new license for one year. This amendment provides that if, in addition to revoked, such license is denied or cancelled because of fraudulent activity, the school or instructor may not apply for a new license for one year.

B) Statutory Authority: 625 ILCS 5/6-419, 420.175/15-115

C) Scheduled meeting/hearing dates: None Scheduled

D) Date the agency anticipates First Notice: March 1, 2001

E) Impact on small business, small municipalities or not-for-profit corporations: Minimal - This proposed amendment clarifies the application of current rules.

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F) Agency contact person for information:

Thomas Wekony, CDL Administrator  
 Driver Services Facility  
 650 Roppolo Drive  
 Elk Grove Village IL 60007  
 847-437-3710  
 Fax: 847-437-3911

G) Related rulemaking and other pertinent information: None

m) Part(s) (Heading and Code Citation): Issuance of Licenses; 92 Ill Adm. Code 1030

1) Rulemaking:

A) Description of Rule: Amend Section 1030.15 Cite for Re-examination, by amending subsection (e) to provide that a driver cited for a re-examination may appear for examination only at the designated facility, unless upon written request submitted to the Department, he or she has received written permission to appear at another designated facility for examination.

B) Statutory Authority: 625 ILCS 5/6-207

C) Schedule meeting/hearing date: None Scheduled

D) Date agency anticipates First Notice: March 1, 2001

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Robert W. Mueller  
 Assistant General Counsel  
 2701 S. Dirksen Parkway  
 Springfield IL 62723  
 217/782-5356 or 217/785-3094  
 Fax: 217/785-1385 or 217/524-1689

G) Related information and other pertinent information: None

n) Part(s) (Heading and Code Citation): Sale of Information; 92 Ill. Adm. Code 1002

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1) Rulemaking:

A) Description of Rule: This Part will be amended to bring it into compliance with the Federal Driver's Privacy Protection Act. 18 USC 2721, et seq.]. This Act puts significant limits on the release of personally identifying information that has been obtained by a state through drivers or vehicle records. The Act defines personally identifying information as "information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5 digit zip code), telephone number, and medical or disability information, but personally identifying information does not include information on vehicular accidents, driving violations, and driver's status." In addition to amending the rules to comply with this Act, other amendments will be made to bring the rule into compliance with current state statutes (e.g., amend fee amounts in rules to reflect current higher fees sets by statute).

B) Statutory Authority: 625 ILCS 5/2-123 and 2-104

C) Schedule meeting/hearing date: None Scheduled

D) Date agency anticipates First Notice: March 1, 2001

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Robert W. Mueller  
 Assistant General Counsel  
 2701 S. Dirksen Parkway  
 Springfield IL 62723  
 217/782-5356 or 217/785-3094  
 Fax: 217/785-1385 or 217/524-1689

G) Related information and other pertinent information: None

o) Part(s) (Heading and Code Citation): Certificate of Titles, Registration of Vehicles; 92 Ill. Adm. Code 1010

1) Rulemaking:

A) Description: Amend Sections 1010.420 and 1010.421. The Secretary of State intends to amend these sections to provide for the issuance of motor vehicle temporary registration permits (TRP)

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in the format of a standard license plate rather than as a paper card; to require the TRP plates to be displayed on vehicles in the space designed for the permanent rear license plate; to require the issuers of TRP's to notify the Secretary of State via the Internet when a TRP has been issued, including providing the TRP number and information as to the vehicle and person(s) or entity to which it was issued; thus allowing the Secretary of State to enter this information into the Law Enforcement Agencies' Data System (LEADS) so it may be available to law enforcement officers.

- B) Statutory Authority: 625 ILCS 5/2-104(b) and 5/3-407
- C) Schedule meeting/hearing date: March 29, 2001 (Subject to change before filing First Notice)
- D) Date agency anticipates First Notice: February 1, 2001
- E) Affect on small businesses, small municipalities or not-for-profit corporations: All issuers of TRP plates will be required to have the computer hardware, software and communication devices necessary for accessing the Secretary of State's internet site or other designated on-line access procedure for the registration of Temporary Permit plates.
- F) Agency contact person for information:  
 Nathan Maddox, Assistant General Counsel  
 298 Howlett Building  
 Springfield IL 62756  
 217/782-5356 or 217/785-3094  
 Fax: 217/785-1385 or 217/524-1689

G) Related information and other pertinent information: None

p) Part(s) (Heading and Code Citation): Rules of the Road - Handicapped Parking; 92 Ill. Adm. Code 1100

1) Rulemaking:

A) Description: Amend this part to reflect newly designed disabled persons parking permits; incorporate changes to the program designed to reduce fraud and abuse; and update terminology to make it consistent with terminology used in statutes.

B) Statutory Authority: 625 ILCS 5/3-616 and 11-1301.2

C) Schedule meeting/hearing date: None scheduled at this time

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- D) Date agency anticipates First Notice: May 15, 2001
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:  
 William Bogdan, Disability Liaison  
 Illinois Secretary of State  
 Department of Senior - Community Services  
 17 North State Street, Suite 1152  
 Chicago IL 60602  
 312/814-2665  
 Fax: 312/793-5190

G) Related information and other pertinent information: None



## ILLINOIS STATE FIRE MARSHALL

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- a) Part(s) (Heading and Code Citation): Fire Prevention and Safety, 41 Ill. Adm. Code 100

1) Rulemaking:

- A) Description: The Office invites comments on changing the requirements in its rules to require facilities to comply with the National Fire Protection Association standard 101, The Life Safety Code 2000 edition. The Office is considering adoption of NFPA 101 (2000) in its entirety and removing language on earlier editions, which are almost out-of-print, and language creating certain exemptions and equivalencies.

- B) Statutory Authority: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9]

- C) Scheduled meeting/hearing date: The Office has not scheduled any hearings on this rule making.

- D) Date agency anticipates First Notice: January 31, 2001

- E) Affect on small businesses, small municipalities or not for profit corporations: Some buildings may require additional fire protection devices that were not required by earlier editions of the Code. However, the newer version of the code recognizes separate and distinct requirements for new and existing buildings with allowances provided for exiting occupancies.

- F) Agency contact person for information:

Jack Ahern, Deputy State Fire Marshal  
James R. Thompson Center  
100 W. Randolph suite 11-800  
Chicago, Illinois 60601

- G) Related rulemakings and other pertinent information: There are no other related rulemakings.

- b) Parts (Heading and Code Citation): Boiler and Pressure Vessel Safety, 41 Ill. Adm. Code 120

1) Rulemaking:

- A) Description: The Office and the Board of Boiler and Pressure Vessel Safety are raising fees for Certificates of Operation. These are user fees collected from owners of boilers and pressure vessels used to defray the cost of operation of the inspection and

## ILLINOIS STATE FIRE MARSHALL

## JANUARY 2001 REGULATORY AGENDA

- certificate program. Presently, the fees generate approximately 60% of the cost of the program. The increases would make the program revenue neutral.

- B) Statutory Authority: Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2 and 2.1]

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: February 1, 2001

- E) Affect on small businesses, small municipalities or not for profit corporations: The cost of the required certificate of operation would increase by \$15.00 per certificate. These certificates are valid for 2-3 years

- F) Agency contact person for information:

Mr. David Douin  
Superintendent of Boiler and Pressure Vessel Safety  
1035 Stevenson Drive  
Springfield, IL 62703

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Police and Procedures Manual for Fire Protection Personnel, 41 Ill. Adm. Code 140

1) Rulemaking:

- A) Description: The Office intends to update a number of standards, change some reimbursement percentages and change fees for testing and other services.

- B) Statutory Authority: The Illinois Fire Protection Training Act [50 ILCS 740]

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: February 15, 2001

- E) Affect on small businesses, small municipalities or not for profit corporations: None anticipated

- F) Agency contact person for information:

## ILLINOIS STATE FIRE MARSHALL

## JANUARY 2001 REGULATORY AGENDA

Ms. Sandy Hill  
1035 Stevenson Dr.  
Springfield, IL 62703

G) Related rulemakings and other pertinent information: Noned) Part(s) (Heading and Code Citation): Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances, 41 Ill. Adm. Code 1701) Rulemaking:A) Description: The Office will be proposing rules for fueling of motor vehicles from tank trucks and tank wagons.B) Statutory Authority: Section 2 of the Gasoline Storage Act [430 ILCS 15/2]C) Scheduled meeting/hearing date: None ScheduledD) Date agency anticipates First Notice: January 31, 2001E) Affect on small businesses, small municipalities or not for profit corporations: None anticipatedF) Agency contact person for information:

Jack Ahern, Deputy State Fire Marshal  
James R. Thompson Center  
100 W. Randolph suite 11-800  
Chicago, Illinois 60601

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2001 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Pay Plan, 80 Ill. Adm. Code 3101) Rulemaking(s):A) Description: Projected amendments to the Department of Central Management Services' Pay Plan will include revisions to the following sections:

In Sections 310.110, 310.130 and 310.530, the date of the fiscal year will be revised upon the filing of the Schedule of Salary Grades and Merit Compensation plans.

In Section 310.230, Part-time Daily or Hourly Special Services Rate, this section will be reviewed to update and delete titles that are not presently being utilized under the special services rate. Also, the daily and hourly rates for the Account Technician II, Office Aide, Office Assistant, Office Associate, Office Clerk and Revenue Tax Specialist will be upgraded to be parallel with the monthly minimum and maximum salaries for those titles negotiated for July, 2001.

In Section 310.270, Legislated and Contracted Rate, the Arbitrator's annual salary may be upgraded for July, 2001.

In Section 310.280, Designated Rate, the revisions to this section will reflect changes in salaries, the addition of new positions and deletion of positions no longer being utilized under this section as approved by the Governor.

In Section 310.290, Out-of-State or Foreign Service Rate, the salary ranges for the out-of-state position titles will be adjusted to maintain the same differential above the in-state position titles.

In Section 310.540, Annual Merit Increase Guidechart, the guidechart will be revised to reflect changes in allowable amounts of salary increases for the level of performance upon implementation of Merit Compensation changes.

In Section 310. Appendices B, C, D and G, salary amendments for Fiscal Year 2002 are anticipated in relation to the Schedule of Salary Grades and Merit Compensation Plans.

In Section 310. Appendix A, Table AA, the minimum salaries of the NR-916 (Department of Natural Resources, Teamsters) titles will be upgraded by 2% for January 16, 2001.

Peremptory amendments will be filed in relation to new Collective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2001 REGULATORY AGENDA

## Bargaining Agreements for HR-190 and HR-012.

We anticipate that there will be a number of changes to the various collective bargaining tables to set forth new classes and revised salary ranges for certain classifications which are not yet identified.

Other amendments will likely be necessary although this cannot be projected at this time.

B) Statutory Authority: Authorized by Section 8a(2) of the Personnel Code [20 ILCS 415/8 and 8a]

C) Schedule of date(s) for hearings, meetings, or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Central Management Services in writing by interested persons during the First Notice Period of the Pay Plan amendments.

D) Date(s) agency anticipates First Notice(s): Proposal to amendment sections pertaining to the Schedule of Salary Grades and Merit Compensation plans will be filed in June, 2001.

Peremptory amendments on new Collective Bargaining Agreements will be filed as negotiations are completed.

Amendments to Section 310.280, Designated Rate, will be filed as changes are made by the Governor throughout the year.

The other projected amendments are anticipated to be filed at a later date.

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code under the Governor. They do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

F) Agency contact person for information:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
(217) 782-5601

G) Related rulemakings and other pertinent information Other

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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amendments may be necessary based on emergent issues regarding State employee salary rates and policies.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
FEBRUARY 21, 2001

**NOTICES:** Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**Attorney General

1. Motor Vehicle Advertising (14 Ill Adm Code 475)  
-First Notice Published: 24 Ill Reg 10547 - 7/21/00  
-Expiration of Second Notice: 3/17/01

Central Management Services

2. Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill Adm Code 10)  
-First Notice Published: 24 Ill Reg 16413 - 11/13/00  
-Expiration of Second Notice: 2/22/01

3. Conditions of Employment (80 Ill Adm Code 303)  
-First Notice Published: 24 Ill Reg 16429 - 11/13/00  
-Expiration of Second Notice: 2/22/01

4. Pay Plan (80 Ill Adm Code 310)  
-First Notice Published: 24 Ill Reg 14844 - 10/13/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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-Expiration of Second Notice: 3/1/01

Children and Family Services

5. Licensing Standards for Day Care Homes (89 Ill Adm Code 406)  
-First Notice Published: 24 Ill Reg 14304 - 9/29/00  
-Expiration of Second Notice: 3/15/01

6. Licensing Standards for Group Day Care Homes (89 Ill Adm Code 408)  
-First Notice Published: 24 Ill Reg 14342 - 9/29/00  
-Expiration of Second Notice: 3/15/01

Commerce and Community Affairs

7. Eliminate the Digital Divide Program (14 Ill Adm Code 546)  
-First Notice Published: 24 Ill Reg 16871 - 11/17/00  
-Expiration of Second Notice: 3/14/01

8. Emergency Community Services Homeless Grant Program (47 Ill Adm Code 125) (Repealer)  
-First Notice Published: 24 Ill Reg 15335 - 10/20/00  
-Expiration of Second Notice: 3/14/01

Commerce Commission

9. Standards of Service Applicable to Wireless 9-1-1 Emergency Systems (83 Ill Adm Code 728)  
-First Notice Published: 24 Ill Reg 16161 - 11/3/00  
-Expiration of Second Notice: 2/23/01

Human Services

10. Practice in Administrative Hearings (89 Ill Adm Code 14)  
-First Notice Published: 24 Ill Reg 14513 - 10/6/00  
-Expiration of Second Notice: 3/9/01

11. Services (89 Ill Adm Code 590)  
-First Notice Published: 24 Ill Reg 16190 - 11/13/00  
-Expiration of Second Notice: 3/18/01

Insurance

12. Derivative Instruments (50 Ill Adm Code 806)  
-First Notice Published: 24 Ill Reg 16883 - 11/17/00



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-Expiration of Second Notice: 3/7/01

13. Variable Contract Rule (50 Ill Adm Code 1451)  
-First Notice Published: 24 Ill Reg 13801 - 9/15/00  
-Expiration of Second Notice: 3/10/01

Legislative Information System

14. Public Information, Rulemaking and Organization (2 Ill Adm Code 150)  
-First Notice Published: 24 Ill Reg 16887 - 11/17/00  
-Expiration of Second Notice: 3/4/01

15. Purchasing (44 Ill Adm Code 575) (Repealer)  
-First Notice Published: 24 Ill Reg 16894 - 11/17/00  
-Expiration of Second Notice: 3/4/01

Natural Resources

16. Department Formal Hearings Conducted for Rulemaking and Contested Cases (17 Ill Adm Code (2530))  
-First Notice Published: 24 Ill Reg 16431 - 11/13/00  
-Expiration of Second Notice: 2/22/01

17. Open Space Lands Acquisition and Development Grant Program (17 Ill Adm Code 3025)  
-First Notice Published: 24 Ill Reg 16443 - 11/13/00  
-Expiration of Second Notice: 3/2/01

Pollution Control Board

18. Definitions and General Provisions (35 Ill Adm Code 211)  
-First Notice Published: 24 Ill Reg 13563 - 9/8/00  
-Expiration of Second Notice: 2/23/01

19. Nitrogen Oxides Emissions (35 Ill Adm Code 217)  
-First Notice Published: 24 Ill Reg 13579 - 9/8/00  
-Expiration of Second Notice: 2/23/01

Professional Regulation

20. Illinois Professional Land Surveyor Act of 1989 (68 Ill Adm Code 1270)  
-First Notice Published: 24 Ill Reg 16898 - 11/17/00  
-Expiration of Second Notice: 3/1/01

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21. Nursing and Advanced Practice Nursing Act - Registered Professional Nurse and Licensed Practical Nurse (68 Ill Adm Code 1300)  
-First Notice Published: 24 Ill Reg 15835 - 10/27/00  
-Expiration of Second Notice: 3/17/01

22. Nursing and Advanced Practice Nursing Act-Advanced Practice Nurse (68 Ill Adm Code 1305)  
-First Notice Published: 24 Ill Reg 14159 - 9/22/00  
-Expiration of Second Notice: 3/1/01

23. Illinois Orthotics, Prosthetics and Pedorthics Practice Act (68 Ill Adm Code 1325)  
-First Notice Published: 24 Ill Reg 16541 - 11/13/00  
-Expiration of Second Notice: 3/15/01  
24. Professional Boxing and Wrestling Act (68 Ill Adm Code 1370)  
-First Notice Published: 24 Ill Reg 16916 - 11/17/00  
-Expiration of Second Notice: 3/3/01

Public Aid

25. Medical Payment (89 Ill Adm Code 140)  
-First Notice Published: 24 Ill Reg 14593 - 10/6/00  
-Expiration of Second Notice: 3/17/01

Public Health

26. Manufactured Home Installer Course Accreditation Code (77 Ill Adm Code 885)  
-First Notice Published: 24 Ill Reg 14613 - 10/6/00  
-Expiration of Second Notice: 3/18/01

Revenue

27. Income Tax (86 Ill Adm Code 100)  
-First Notice Published: 24 Ill Reg 16957 - 11/17/00  
-Expiration of Second Notice: 2/22/01

28. Income Tax (86 Ill Adm Code 100)  
-First Notice Published: 24 Ill Reg 17713 - 12/8/00  
-Expiration of Second Notice: 3/18/01

29. Retailers' Occupation Tax (86 Ill Adm Code 130)  
-First Notice Published: 24 Ill Reg 17948 - 12/15/00

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- Expiration of Second Notice: 3/18/01
- 30. Retailers' Occupation Tax (86 Ill Adm Code 130)  
-First Notice Published: 24 Ill Reg 16986 - 11/17/00  
-Expiration of Second Notice: 3/4/01
- 31. Service Occupation Tax (86 Ill Adm Code 140)  
-First Notice Published: 24 Ill Reg 17000 - 11/17/00  
-Expiration of Second Notice: 3/4/01
- 32. Use Tax (86 Ill Adm Code 150)  
-First Notice Published: 24 Ill Reg 17018 - 11/17/00  
-Expiration of Second Notice: 3/4/01
- 33. Service Use Tax (86 Ill Adm Code 160)  
-First Notice Published: 24 Ill Reg 17009 - 11/17/00  
-Expiration of Second Notice: 3/4/01
- 34. Telecommunications Excise Tax (86 Ill Adm Code 495)  
-First Notice Published: 24 Ill Reg 17014 - 11/17/00  
-Expiration of Second Notice: 3/4/01
- 35. Service Occupation Tax (86 Ill Adm Code 140)  
-First Notice Published: 24 Ill Reg 15852 - 10/27/00  
-Expiration of Second Notice: 2/25/01
- 36. Use Tax (86 Ill Adm Code 150)  
-First Notice Published: 24 Ill Reg 17507 - 12/1/00  
-Expiration of Second Notice: 3/18/01
- 37. Service Use Tax (86 Ill Adm Code 160)  
-First Notice Published: 24 Ill Reg 15895 - 10/27/00  
-Expiration of Second Notice: 2/25/01
- 38. County Motor Fuel Tax (86 Ill Adm Code 695)  
-First Notice Published: 24 Ill Reg 16950 - 11/17/00  
-Expiration of Second Notice: 3/4/01

Veterans Affairs

- 39. The Specially Adopted Housing Grants (95 Ill Adm Code 103)  
-First Notice Published: 24 Ill Reg 17518 - 12/1/00  
-Expiration of Second Notice: 3/10/01

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- 40. Persian Gulf Conflict Veterans' Compensation (95 Ill Adm Code 121)  
-First Notice Published: 24 Ill Reg 17514 - 12/1/00  
-Expiration of Second Notice: 3/10/01

EMERGENCY AND PEREMPTORY RULEMAKINGSHuman Services

- 41. Food Stamps (89 Ill Adm Code 121) (Emergency)  
-Notice Published: 25 Ill Reg 2439 - 2/9/01

Public Aid

- 42. Hospital Reimbursement Changes (89 Ill Adm Code 152) (Emergency)  
-First Notice Published: 25 Ill Reg 218 - 1/5/01

Public Health

- 43. Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs (77 Ill Adm Code 510) (Repealer) (Emergency)  
-Notice Published: 25 Ill Reg 223 - 1/5/01

Revenue

- 44. Retailers' Occupation Tax (86 Ill Adm Code 130) (Emergency)  
-Notice Published: 24 Ill Reg 1792 - 1/26/01

- 45. Service Occupation Tax (86 Ill Adm Code 140) (Emergency)  
-Notice Published: 25 Ill Reg 1811 - 1/26/01

- 46. Use Tax (86 Ill Adm Code 150) (Emergency)  
-Notice Published: 25 Ill Reg 1821 - 1/26/01

Secretary of State

- 47. Regulations Under Illinois Securities Law of 1953 (14 Ill Adm Code 130) (Emergency)  
-Notice Published: 25 Ill Reg 973 - 1/19/01

State Police

- 48. The Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds (20 Ill Adm Code 1286) (Emergency)  
-Notice Published: 25 Ill Reg 239 - 1/5/00

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## EXPEDITED CORRECTIONS

Pollution Control Board

49. Standards Applicable to Generators of Hazardous Waste (35 Ill Adm Code 722)  
-Notice Published: 25 Ill Reg 1865 - 1/26/01
50. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill Adm Code 724)  
-Notice Published: 25 Ill Reg 1875 - 1/26/01

## EXEMPT RULEMAKINGS

Pollution Control Board

51. Hazardous Waste Management System: General (35 Ill Adm Code 720)  
-Proposed Date: 10/13/00  
-Adopted Date: 1/26/01
52. Identification and Listing of Hazardous Waste (35 Ill Adm Code 721)  
-Proposed Date: 10/13/00  
-Adopted Date: 1/26/01
53. Land Disposal Restrictions (35 Ill Adm Code 728)  
-Proposed Date: 10/13/00  
-Adopted Date: 1/26/01
54. Pretreatment Programs (35 Ill Adm Code 310)  
-Proposed Date: 11/13/00  
-Adopted Date: 1/26/01
55. Sewer Discharge Criteria (35 Ill Adm Code 307)  
-Proposed Date: 11/13/00  
-Adopted Date: 1/26/01
56. Primary Drinking Water Standards (35 Ill Adm Code 611)  
-Proposed Date: 10/27/00  
-Adopted Date: 1/26/01

## AGENCY RESPONSES

Banks and Real Estate

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57. High Risk Home Loans (38 Ill Adm Code; 24 Ill Reg 19308) (Emergency)
58. Illinois Savings and Loan Act of 1985 (38 Ill Adm Code 1000; 24 Ill Reg 19312) (Emergency)
59. Residential Mortgage License Act of 1987 (38 Ill Adm Code 1050; 24 Ill Reg 19322) (Emergency)
60. Savings Bank Act (38 Ill Adm Code 1075; 24 Ill Reg 19331) (Emergency)  
Commerce and Community Affairs
61. Illinois Promotion Act Programs (14 Ill Adm Code 510; 24 Ill Reg 6631)  
Community College Board
62. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501; 24 Ill Reg 13713)
- Comptroller
63. Claim Eligible to be Offset (74 Ill Adm Code 285; 24 Ill Reg 17371)  
Education
64. Certification (23 Ill Adm Code 25; 24 Ill Reg 16109)
- Gaming Board
65. Riverboat Gambling (86 Ill Adm Code 3000; 24 Ill Reg 6754)  
Human Services
66. Medicaid Community Mental Health Services Program (59 Ill Adm Code 132; 24 Ill Reg 6768)
67. Child Care (89 Ill Adm Code 50; 24 Ill Reg 6477)  
Pollution Control Board
68. Tiered Approach to Corrective Action Objectives (35 Ill Adm Code 742; 24 Ill Reg 11761)



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 30, 2001 through February 5, 2001 and have been scheduled for review by the Committee at its February 21, 2001 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
3/15/01	Department of Professional Regulation, Illinois Orthotics, Prosthetics and Pedorthics Practice Act (68 Ill Adm Code 1325)	11/13/00 24 Ill Reg 16541	2/21/01
3/15/01	Department of Children and Family Services, Licensing Standards for Day Care Homes (89 Ill Adm Code 406)	9/29/00 24 Ill Reg 14304	2/21/01
3/15/01	Department of Children and Family Services, Licensing Standards for Group Day Care Homes (89 Ill Adm Code 408)	9/29/00 24 Ill Reg 14342	2/21/01
3/17/01	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	10/6/00 24 Ill Reg 14593	2/21/01
3/17/01	Department of Professional Regulation, Nursing and Advanced Practice Nursing Act 96 Registered Professional Nurse and Licensed Practical Nurse (68 Ill Adm Code 1300)	10/27/00 24 Ill Reg 15835	2/21/01
3/17/01	Attorney General, Motor Vehicle Advertising (14 Ill Adm Code 475)	7/21/00 24 Ill Reg 10547	2/21/01
3/18/01	Department of Revenue, Use Tax (86 Ill Adm Code 150)	12/1/00 24 Ill Reg 17507	2/21/01
3/18/01	Department of Revenue, Income Tax (86 Ill Adm Code 100)	12/8/00 24 Ill Reg 17713	2/21/01

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

3/18/01	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	12/15/00 24 Ill Reg 17948	2/21/01
3/18/01	Department of Human Services, Services (89 Ill Adm Code 590)	11/3/00 24 Ill Reg 16190	2/21/01
3/18/01	Department of Public Health, Manufactured Home Installer Course Accreditation Code (77 Ill Adm Code 885)	10/6/00 24 Ill Reg 14613	2/21/01



1. The first part of the report is a general introduction to the subject of the study. It discusses the importance of the study and the objectives of the research.

2. The second part of the report is a detailed description of the methodology used in the study. It includes information about the sample size, the data collection methods, and the statistical analysis techniques.

3. The third part of the report is a presentation of the results of the study. It includes tables and graphs showing the data and the statistical analysis.

4. The fourth part of the report is a discussion of the results and their implications. It discusses the strengths and weaknesses of the study and the implications for future research.

5. The fifth part of the report is a conclusion and a list of references.

6. The sixth part of the report is a list of references. It includes a list of the books, articles, and other sources used in the study.

7. The seventh part of the report is a list of references. It includes a list of the books, articles, and other sources used in the study.

8. The eighth part of the report is a list of references. It includes a list of the books, articles, and other sources used in the study.

9. The ninth part of the report is a list of references. It includes a list of the books, articles, and other sources used in the study.

10. The tenth part of the report is a list of references. It includes a list of the books, articles, and other sources used in the study.